

22 March 2022

2022_019

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REQUEST DETAILS

Please find below our response to your correspondence dated 23 February, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

I would like to make a Freedom of Information request for information contained in documents, meetings, communications, and discussions relating to the Scottish Police Authority involvement in and approval of:

- *Any Police Scotland policies, advice & policy documents on Whistleblowers, Whistleblower procedures, how to treat, handle, interact with & act toward Whistleblowers;*
- *Any official Police Scotland guidance documents on Whistleblower guidance and policies;*
- *the dates of when any Whistleblower policies (and if policies & guidance were updated) were enacted and run from to (which dates);*
- *the cost of forming and creating and enacting any Whistleblower Policy;*
- *identity of any consultants, law firms, legal service providers & counsel involved in the above;*
- *Any contact with the Scottish Government and Police Scotland on Whistleblower policies;*
- *from 2014 to the date of this FOI request.*

/ Response

RESPONSE

Your request for information has been considered and the Scottish Police Authority (SPA) is able to provide the following;

In June 2016, [HMICS Assurance Review of Police Scotland's Counter Corruption Unit](#) recommended:

"Police Scotland through engagement with staff associations, should progress development of its whistleblowing policy, which informs relevant standard operating procedures that support those who report wrongdoing"
(Recommendation 20)

The Authority was engaged in the development of the first Police Scotland Whistleblowing Policy through its Counter Corruption Unit (CCU) Reference Group established to oversee the implementation of the HMICS recommendations.

On 24 January 2017 Police Scotland provided a presentation to the Audit Committee outlining progress made in the development of the policy (see Appendix 1-3).

Police Scotland's draft Whistleblowing Policy and guidance were subsequently presented to the CCU Reference Group on 24 April 2017 (see Appendix 4-6). Amer Anwar, Solicitor, was in attendance at this Reference Group when the policy and guidance was discussed.

Following this, the draft Whistleblowing policy was considered at the Audit Committee on 25 April 2017 and People Committee on 27 April 2017 (see Appendix 7)

The draft Whistleblowing Policy and guidance were then presented and approved at an Authority meeting on 25 May 2017 (see Appendix 8-11). A recording of the Authority's consideration of this policy and guidance is available [online](#) (1h20m into recording). The policy and guidance was published for the attention of Police Scotland's workforce on 21 June 2017.

The Whistleblowing Policy has not since been updated, however, guidance has been updated on 24 January 2019 and 1 March 2019. Updates to the guidance were approved by Police Scotland on the basis that they aligned to the overall policy approved by the Authority on 25 May 2017. The Authority was consulted on the second version of the guidance and feedback provided on behalf of the Chief Executive (see Appendix 12).

No details in relation to the cost of enacting the Whistleblowing Policy or guidance have been provided to the Authority. Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 – Information not held. This information may be available by contacting Police Scotland at - <http://www.scotland.police.uk/access-to-information/freedom-of-information/>

In terms of ongoing oversight, updates regarding whistleblowing are provided to the Authority's Audit, Risk and Assurance Committee. A list of updates since May 2017 is detailed below:

- Audit Committee, 22 January 2018 – Police Scotland Whistleblowing Progress Report and approved minute (see Appendix 13 and 14).
- Audit Committee, 18 April 2018 - Police Scotland Whistleblowing Progress Report and approved minute (see Appendix 15 and 16).
- Audit, Risk and Assurance Committee, 28 January 2021 – [Police Scotland Whistleblowing Progress Report](#) and [approved minute](#).
- Audit, Risk and Assurance Committee, 15 July 2021 – [Police Scotland Whistleblowing Annual Report](#) and [approved minute](#).
- Audit, Risk and Assurance Committee, 20 January 2022 – [Police Scotland Whistleblowing Update](#). The minute for this meeting was presented for approval at the meeting of the Audit, Risk and Assurance Committee on [18 March 2022](#). The draft minute was approved.

The above details the Authority's contact with Police Scotland in regard to development and approval of Police Scotland's Whistleblowing Policy.

There has been no contact between the Authority and Scottish Government in relation to Police Scotland's Whistleblowing Policy. Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 – Information not held.

RIGHT TO REVIEW

If you are dissatisfied with the way in which your request has been dealt with you are entitled, in the first instance, to request a review of our actions and decisions

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@spa.police.uk or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

RESTRICTED

Paper is submitted in line with section 28 (d) of the SPA Corporate Governance Framework.

**SCOTTISH POLICE
AUTHORITY**

Meeting	Audit Committee
Date	24 January 2017
Location	Pacific Quay, Glasgow
Title of Paper	Police Scotland Whistleblowing and Integrity Matters Overview
Item Number	3
Presented By	CI Richie Adams & Supt John Paterson, Police Scotland
Recommended to Members:	For Noting
Appendix Attached:	YES

PURPOSE

The purpose of this paper is to ask members to note the progress that has been made in the development of whistleblowing guidance and policy in Police Scotland thus far.

RESTRICTED

Paper is submitted in line with section 28 (d) of the SPA Corporate Governance Framework.

1. BACKGROUND

- 1.1 Police Scotland is currently developing draft guidance and a policy on whistleblowing. This draft is currently at the consultation stage. This briefing will give members a broad overview of the work that has been undertaken thus far to develop the guidance and policy and what the future steps might look like.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Appendix 1 is a brief PowerPoint presentation outlining, in broad terms, the work done hitherto to develop the draft guidance.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are further legal implications in this paper to those listed above. Police Scotland has responsibilities under the Public Interest Disclosure Act (PIDA) to that end, it is important that the draft guidance and policy are legally sound.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are reputational implications associated with this paper. How Police Scotland manages and is seen to manage whistleblowing will impact on the trust and confidence of both the communities served by the Service and the officers and staff who comprise the Service.

7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

- 8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no equality implications associated with this paper.

RECOMMENDATIONS

Members are requested to: note the progress that has been made in the development of whistleblowing guidance and policy in Police Scotland thus far.



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Keeping people safe

Police Scotland Whistleblowing and Integrity Matters Overview

Richie Adams
Chief Inspector
Police Scotland

HMICS Recommendations

Recommendation 20

Police Scotland, through engagement with staff associations, should progress development of its "whistleblowing" policy, which informs relevant standard operating procedures that support those who report wrongdoing.

Recommendation 22

Police Scotland should engage with the Police Investigations and Review Commissioner to consider establishing a confidential reporting function.



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Recommendation 20 - engagement with staff

- Meetings with Federation, Unison and ASPS
- Engagement with the Independent Review Group
- JNCC process has been set in train
- Upon adoption, Chief Officer oversight will, where possible, involve unions and staff associations



Recommendation 20 - development of a whistleblowing policy

- Policy developed in consultation with Legal Services, Organisational Development, Professional Standards and Anti Corruption Unit
- New guidance reflects current SOP, all of which will be encompassed within a single reference point upon completion of this workstream



Recommendation 20 - supports those who report wrongdoing

- Public Interest Disclosure Act fully informs the guidance
- Training will be developed to support this work
- There are several options open to staff wishing raise concerns
 - First Line Manger
 - Department Heads
 - Integrity Matters
 - Policing Values and Professional Ethics Unit
 - Persons/bodies prescribed under PIDA
 - Scottish Government Sponsor Team (police staff only)



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Recommendation 20 - supports those who report wrongdoing

- Anonymity is offered via the Integrity Matters route
- Confidentiality is discussed and explained across the guidance
- Where reporters raise concerns within the terms of the guidance they will receive the full protections PIDA has to offer
- Chief Officer oversight will, where possible, involve unions and staff associations



Recommendation 22 - engagement with PIRC

- Meetings have been had with PIRC
- PIRC are not a prescribed body under PIDA
- The legislation supporting PIRC does not include an ability to undertake this function
- Consequently, it has not been possible to progress an option that allows PIRC to serve as a confidential reporting function at this time



Whistleblowing – future work

- Completion of consultation
- Re-drafting and consultation if necessary
- Communications plan to support internal launch
- Delivery of training to support the new guidance
- Development of new intranet platform to support staff



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Whistleblowing – future work

- Communications plan for external stakeholders
- Develop best practice through the learning achieved following instances of whistleblowing
- Develop processes for sharing data relating to and outcomes achieved as a result of concerns being raised internally and with oversight bodies
- Review of guidance after it has been operational for six months



Whistleblowing – conclusions

- Work thus far reflects the HMICS recommendations
- Consultation has, so far, been effective
- Whistleblowing arrangements will continue to reflect the values of Policing in Scotland
- This remains a work in progress.



POLICE SCOTLAND

Extract from

**Scottish Police Authority Audit Committee - Closed Session
Tuesday 24 January 2017 (SPAAUDIT-240117)**

**3. Police Scotland Whistleblowing and Integrity Matters Overview
(CI Richie Adams & Supt John Paterson)**

3.1 The Chair welcomed Chief Inspector Ritchie Adams (CIRAdams) and Superintendent John Paterson (SJPaterson) to the meeting and noted that Whistleblowing had been a longstanding issue and concern of the Audit Committee for the past few years.

3.2 CIRAdams provided a detailed overview of the paper advising what work had been done, where Police Scotland sat with that work and what the next steps were in addressing HMICS recommendations 20 and 22 following a review of the Counter Corruption Unit (CCU). CIRAdams informed Members on what stage Police Scotland were at in terms of consultation, communication, training, accessing and reporting on the policy.

3.3 CIRAdams referred to Recommendation 22, engagement with the PIRC and advised that following a meeting it was determined that the PIRC were not a prescribed reporting body, which made reporting to them challenging. As a result advised that Recommendation 22 would need to be discharged without being fulfilled.

3.4 CIRAdams advised that there was a massive opportunity for organisational learning and noted that 6 months, following the landing of the policy, a review of the policy would take place.

3.5 MALi noted her disappointment that it had taken an HMICS report to prompt the work, despite the SPA asking for it for a number of years. MALi noted her disappointment that the SPA Whistleblowing Policy had not been fed into the Police Scotland Policy. MALi sought clarity on how learning and issues from the policy would be fed into the Audit Committee. MALi noted the communications strategy as being key and noted the lack of clarity around what level concerns should be raised and where they should be reported, therefore asked for more information on that area. CIRAdams advised that how this would be fed into the Audit Committee was part of a policy and process being discussed with Supt Fergus Byrne and advised that he would feed that back. CIRAdams advised that work would be done to identify what the internal comms strategy would look like once training options had been decided. SJPaterson advised that by the end of January 2017, the ACU Preventions Team would have delivered almost 300 presentations to 5000 staff face to face. SJPaterson noted that Police Scotland were currently working from

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presentation version 16 due to the learning that had come from previous presentations. SJPaterson advised Members that 278 Integrity Matters referrals had been received by the previous week based on 2 years and 1 month compared to 36 over 2 years for Safecall, which highlighted the confidence within staff.

240117-AUDIT-004: Chief Inspector Ritchie Adams and Superintendent Fergus Byrne to discuss and feedback on how the policy will be fed into the Audit Committee going forward and fed back more information on the Communication Strategy once in place.

3.6 Graham Stickle (GStickle) advised Members that John MacLean from the HR Assurance Team had drafted an SPA Whistleblowing Policy which would be shared within coming days. GStickle noted that John MacLean had been working closely with Graham Houston, SPA Board Member on the matter and advised that the policy mirrored Police Scotland's principles however, it would be a standalone policy. MALi noted the importance of having an integrated approach on both policies going forward.

3.7 EWilkinson sought clarity over the timescales on landing the policy and how trends would be reported. CIRAdams noted that the consultation period completed on the 23rd January, therefore, depending on the outcome on feedback it could either be delivered by the end of February or end of April, however, no definite assurance could be offered on timescales. IWhyte advised that it was his understanding, from sitting on the CCU Reference Group, that Trade Unions and Staff Associations were generally happy with the policy, therefore, he would hope any changes coming out of the consultation would be minor.

240117-AUDIT-005: Chief Inspector Ritchie Adams to report back on when the policy will be delivered following review of consultation feedback.

3.8 The Chair sought clarity on whether Police Scotland were meeting the standards of the UK Department of Business and Skills. CIRAdams advised that there were so many organisations with whistleblowing policies it was a challenge to identify best practise. CIRAdams advised that they had looked at PIDA (Public Interest Disclosure Act 1998) and other strategically sized organisations, and drawn from their policies. The Chair sought clarity on whether there were any standards articulated that the policy could possibly be matched against. CIRAdams advised that he would address a badging scheme.

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240117-AUDIT-006: Chief Inspector Ritchie Adams to report back on possible badging schemes that the Police Scotland Policy could be matched against.

3.9 The Chair referred to possible personnel implications and sought clarity over what had been articulated and were Police Scotland recognising the importance of the cultural context within the organisation of introducing whistleblowing. The Chair also sought clarity on what was being done by involving the People Committee in the development of the policy. CIRAdams advised that there were no personnel implications with staff being moved or transferred posts, however, agreed that it was a personnel issue that goes to the heart of the culture of Police. CIRAdams advised that Police Scotland had recently advertised for feedback partners in order to approach staff individually as part of a wider piece of work. CIRAdams advised that he would discuss with DCC Johnny Gwynne on how best to approach this with the People Committee.

240117-AUDIT-007: Chief Inspector Ritchie Adams to discuss with DCC Johnny Gwynne on how best to approach this with the People Committee as a personnel item.

3.10 The Chair advised that he would take the document to the next Committee Chair meeting and discuss with Nicola Marchant, Chair of the People Committee.

240117-AUDIT-008: David Hume to take the whistleblowing policy to the next Committee Chair Meeting for discussion with Nicola Marchant.

3.11 The Chair asked CIRAdams to involve Tom McMahon in the same discussions with DCC Johnny Gwynne around the nature of the reporting and give consideration to the overall reporting of whistleblowing and give thought to the matrix that would identify soft and hard information that would provide reassurance that there was a well-articulated, well operated and well respected whistleblowing policy.

240117-AUDIT-009: Chief Inspector Ritchie Adams, DCC Johnny Gwynne and Tom McMahon to discuss and consider the overall reporting of whistleblowing and give thought to the matrix that would identify soft and hard information which would provide reassurance that there was a well-articulated, well operating and well respected whistleblowing policy.

3.12 MALi referred to Public Concern at Work and advised that if there was no kite mark, could assurance be sought from them that the policy met with the standards expected.

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240117-AUDIT-010: Chief Inspector Ritchie Adams to seek assurance from Public Concern at Work that the Police Scotland Whistleblowing Policy met with the standards that they would expect.

3.13 MAli referred to the Public Interest Disclosure Act 1998 and noted that Board Members were not covered by the legislation and advised that this was an area that required attention for the SPA Whistleblowing Policy.

240117-AUDIT-011: John MacLean to consider how Members would be able to report into the SPA Whistleblowing Policy.

3.14 GDevlin advised that Internal Audit could look at whistleblowing as part of their Governance Review if the committee found it helpful. The Chair agreed that would be well accepted.

240117-AUDIT-012: Scott Moncrieff to address whistleblowing as part of their Internal Audit Plan.

3.15 GDevlin noted the already high volume of referrals received by Police Scotland and noted that it should perhaps be noted as a risk.

240117-AUDIT-013: Chief Inspector Ritchie Adams to consider a possible risk over the already high volume of referrals.

3.16 Members **NOTED** the Police Scotland Whistleblowing and Integrity Matters Overview report.

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Whistleblowing Policy

Owning Department:	Professional Standards, Policy and Co-ordination Unit
Version Number:	1.00
Date Published:	DD/MM/YYYY

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Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA):	Date Initially Completed	DD/MM/YYYY
	Reviewed/Updated	DD/MM/YYYY
Information Management Compliant:	Yes/No	
Health & Safety Compliant:	Yes/No	
Publishable Externally in Current Format:	Yes/No	

Version Control Table

Version Number:	History of Amendments:	Date:
V0.04	Initial draft – HR Policy Formatted	DD/MM/YYYY
V1.00	Authorised version	DD/MM/YYYY

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The Police Service of Scotland (hereafter referred to as Police Scotland) is committed to developing and maintaining a safe working environment for all individuals. This commitment is reflected in our values and the [Code of Ethics for Policing](#) in Scotland.

It is important that individuals are empowered to raise concerns with confidence and that such concerns are properly addressed. Individuals are often the first to realise that there may be something wrong within their workplace. Police Scotland views reporting of this as a positive act.

Police Scotland is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. This Policy and associated [Guidance](#) encourages individuals to report any concerns, confident that they will be properly addressed.

That [Guidance](#) and this Policy, applies to police officers, police staff, members of the special constabulary and any other contractor, volunteer or other person engaged in working with Police Scotland.

All activity undertaken in respect of both this Policy and the associated [Guidance](#) will reflect the values of Integrity, Fairness and Respect and ensure the requirements both of the [Code of Ethics and Values](#) for Policing in Scotland and the [Human Rights Act \(1998\)](#) are discharged.

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**POLICE
SCOTLAND**

Whistleblowing Guidance

Owning Department	Professional Standards, Policy and Co-ordination Unit
Version Number	1.00
Date Published	DD/MM/YYYY

Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA): Date Completed/Reviewed:	DD/MM/YY
Information Management Compliant:	Yes/No
Health and Safety Compliant:	Yes/No
Publication Scheme Compliant:	Yes/No

Version Control Table

Version	History of Amendments	Approval Date
1.00	Initial Approved Version	DD/MM/YY

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1. Introduction

- 1.1 This Guidance supports the Police Service of Scotland (hereafter referred to as Police Scotland) [Anti-Corruption Policy](#).
- 1.2 This guidance applies to all police officers special constables, members of police staff, contractors and agency staff.
- 1.3 The term individual will be used to refer to police officers and police staff from this point forward. Where aspects of this guidance applies only to either police staff or police officers this will be specified.
- 1.4 It provides guidance on how whistleblowing will be undertaken for Police Scotland.
- 1.5 This guidance only applies to whistleblowing. Complaints relating to grievances or bullying or harassment should be raised using the relevant procedures: - [Grievance SOP](#); [Disciplinary SOP](#) (police staff); [Complaints about the Police SOP](#).
- 1.6 Police Scotland wants to create an environment where individuals feel confident to come forward to raise concerns when they reasonably believe that the wrong thing is being or has been done.
- 1.7 Such an environment is often referred to under the title of Whistleblowing and has many potential benefits to any organisation. It is an environment which is encouraged within Police Scotland.
- 1.8 Whistleblowing is welcomed by Police Scotland as an important source of information that may highlight serious risks to the effectiveness and efficiency of the organisation or potential fraud or corruption.
- 1.9 Individuals are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the 'eyes and ears' of Police Scotland cannot be overstated.
- 1.10 Encouraging people to speak out has many benefits, it:
 - Protects others by preventing wrong-doing
 - Promotes a culture of openness and transparency
 - Protects and reassures others in the workforce
 - Helps to maintain a healthy working culture and an effective and efficient organisation
- 1.11 Police Scotland's willingness to examine areas of potential weakness and to listen carefully to issues and concerns raised by individuals' means prompt action can be taken to address potential problems.

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- 1.12 Within Police Scotland there are a range of opportunities for individuals to raise concerns, including speaking with line managers, departmental heads and using Police Scotland's online confidential reporting system, [Integrity Matters](#).
- 1.13 [Integrity Matters](#) is an online confidential reporting mechanism providing an opportunity for all individuals to anonymously report any concerns they have regarding unethical, unacceptable, unprofessional or illegal behaviour.
- 1.14 The [Public Interest Disclosure Act \(1998\)](#) is the legislation that pertains to whistleblowing. It sets out the protections afforded to whistleblowers as well as the types of situation where it would be reasonably expected for an individual to raise a concern. These details are set out in Section 3 below.

2. Whistleblower or Not?

- 2.1 A simple way to establish whether an individual is likely to be regarded as a 'whistleblower' or not is to consider what the issue is about:
- Does it raise issues for 'others' e.g. the organisation, colleagues, clients, or the wider public? If yes, then it is likely to be treated as whistleblowing.
 - Does it raise issues which really only concern the individual ('self') e.g. a personal grievance about terms of employment, pay, or unfair treatment? If yes, then it is more likely that it should be raised as a grievance or bullying and harassment matter – although it could still be whistleblowing if it is assessed to be so serious as to be in the public interest too.
- 2.2 Generally a whistleblower has no self interest in the issue being raised. However, the distinction may not always be clear cut.

3. Who is Protected by the Law and What Types of Concerns Could be Raised as Whistleblowing?

- 3.1 As discussed in paragraph 1.13 above, the [Public Interest Disclosure Act \(1998\)](#) sets out the situations where it would be expected that an individual may blow the whistle. Where that occurs, the [Public Interest Disclosure Act \(1998\)](#) offers the whistleblower certain protections.
- 3.2 You're protected if you're a 'worker', e.g. you are:
- An employee, such as a member of police staff
 - A police officer/special constable
 - An agency worker or contractor;

and you disclose any information which in your **reasonable belief** is made in the **public interest** and tends to raise one or more of the following types of complaint:

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- Where a criminal offence has been committed, is being committed or is likely to be committed
 - Where a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
 - Where a miscarriage of justice has occurred, is occurring or is likely to occur
 - Where the health or safety of any individual has been, is being or is likely to be endangered
 - Where the environment has been, is being or is likely to be damaged
 - Where deliberate concealment of information in relation to any of the above
- 3.3 The individual raising the concern only needs to have a **reasonable belief** that the issue has occurred, is occurring, or is likely to occur in the future. It is best to raise the concern as early as possible, even if it is only a reasonable belief, to allow the matter to be looked into promptly.
- 3.4 Evidence or proof of wrongdoing is not necessarily required, albeit this would assist in supporting the concerns raised. However provided the reporting is based upon a reasonable belief, it does not matter that the individual may be mistaken.

4. Responsibilities to Report Wrongdoing

- 4.1 All Police Scotland staff are expected to report any criminal offence that is disclosed to them.
- 4.2 By failing to act you may be assisting in the wrongdoing and may be liable for criminal and/or misconduct proceedings depending on the seriousness of the wrongdoing.
- 4.3 There is a legal obligation in respect of reporting Health and Safety matters.
- 4.4 Staff also have a duty to report breaches of the [Standards of Professional Behaviour](#).
- 4.5 Individuals must never ignore situations where colleagues are behaving unethically or unprofessionally, irrespective of the individual's rank, grade or role.
- 4.6 All staff have a positive obligation to question the conduct of colleagues that they believe falls below expected standards and, if necessary, challenge, report or take action against such conduct.
- 4.7 How such breaches should be reported is set out below within Section 6.

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5. Assurances

5.1 Confidentiality

5.1.1 Concerns can be raised openly, confidentially or anonymously.

5.1.2 If a concern is raised in confidence, Police Scotland will seek to respect that confidence as far as possible.

5.1.3 It may not always be possible to maintain confidentiality, for example when the concern relates to a matter of criminality. Where this is the case, the matter will be discussed with the reporter, and where possible, consent gained prior to taking any action which could identify them. Should such consent not be gained, then the person receiving the report should consider whether the issue might be resolved without the reporter being identified and whether this would be appropriate. If not, then this should be made clear to the reporter and they should be supported appropriately.

5.1.4 It is important to note that all information which relates to individuals will be managed in accordance with the rights and obligations provided under the Human Rights Act 1998 and the Data Protection Act 1998.

5.1.5 All individuals dealing with reporters should be mindful of practical steps to ensure confidentiality is maintained, for example:

- Ensuring that documents are properly classified in line with [Government Protective Marking Scheme \(GPMS\) SOP](#) and that electronic files are properly protected
- Ensuring that the minimum number of people necessary have access to documents
- Being discreet about when and where any meetings are held with the reporter
- Ensuring that sensitive case papers are not left in open view to those who are not entitled to see them
- Advice and guidance in relation to information security is available in the Information Security SOP

5.2 Support and Protection from Harassment

5.2.1 Police Scotland is committed to supporting anyone who has raised a concern and will not tolerate their harassment or victimisation where their confidentiality has not been maintained.

5.2.2 Where the reporter feels that this has not been achieved then it is important that they work with Police Scotland to resolve matters. This should be done through line management or through escalation to an area or divisional commander or other line manager.

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- 5.2.3 Where an individual raises a concern, they should be aware that the protections afforded continue indefinitely. To that end, no detriment should be suffered by reporters at any point in the future, for example raising a concern will not affect an individual's progression. Should reporters remain concerned about issues of confidentiality, then it may be appropriate for them to consider reporting their concern via [Integrity Matters](#).
- 5.2.4 The [Employee Assistance Programme \(EAP\)](#) can provide emotional support and legal advice to any member of staff who has reported a concern. The [EAP](#) can be accessed at any stage in the process of reporting concerns.
- 5.2.5 If however, this has not been successful then it may be that the complainer may wish to seek remedy through an Employment Tribunal.
- 5.2.6 Advice on access to Employment Tribunals can be found by visiting [Citizens Advice Scotland](#), [ACAS](#) or [Public Concern at Work](#). Additionally, reporters may seek advice from their Trade Union or Staff Association.
- 5.2.7 Reporters should note time frames for raising an action at an Employment Tribunal are limited. In general, this should be done within three months, less one day from the incident taking place.
- 5.2.8 Police Scotland is committed to supporting any whistleblower who has raised a concern and will not tolerate their harassment or victimisation. It is recognised that individuals with a protected characteristic may in some circumstances, need extra safeguards or support to protect them from harassment, victimisation or bullying.
- 5.2.9 Police Scotland is committed to the principles outlined in the [Equality Diversity and Dignity SOP](#) and does not tolerate any form of discrimination, victimisation, bullying or harassment.

6. How to Blow the Whistle

6.1 Option One

- 6.1.1 When an individual has a concern they wish to raise, if appropriate, it should be raised first with their line manager or another manager. This can be done verbally or in writing.
- 6.1.2 Notwithstanding Section 3 - 'Who is Protected by the Law and What Types of Complaints Could be Raised as Whistleblowing?' above, all concerns will, at the outset be treated in confidence.
- 6.1.3 Should the individual wish to, they may be accompanied by a Trade Union or Staff Association Representative or colleague at this meeting.
- 6.1.4 It is the responsibility of the manager to raise issues of confidentiality with the reporter and to record both the wishes of the reporter and, where that

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confidentiality cannot be guaranteed, to set out the rational why that is the case and record that this has been discussed with the reporter.

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6.2 Option Two

6.2.1 If, for whatever reason the individual raising the concern feels that raising it with a manager is not appropriate, or it has not worked, the concern may be raised with one of the following:

- Local Commander/Head of Division or Department
- Director of People and Development
- Head of Anti-Corruption Unit/Head of Professional Standards Unit
- Report your concern via the on-line [Integrity Matters](#) system and use this as a means of reporting

6.2.2 It is the responsibility of individuals noted at 6.1.1 with whom the concern is raised, to discuss issues of confidentiality with the reporter and to record both the wishes of the reporter and, where that confidentiality cannot be guaranteed, to set out the rational why that is the case and record that this has been discussed with the reporter.

6.2.3 The presumption exists that all concerns will be treated in confidence. However, there may be instances where that presumption cannot be met due to legal requirements. Where this is the case, the responsibility lies with the manager to explain the rational for this decision to the reporter.

6.2.4 It may be that the reporter does not wish their complaint to be treated in confidence. This issue will also be matter for discussion with the manager when noting the concern.

6.3 Option Three

6.3.1 If any of these channels have been followed and the individual raising the concern believes it remains unresolved, or they feel the matter cannot be pursued through any of the above, then a concern can be raised directly with the Policing Values and Professional Ethics Unit.

6.4 Option Four

6.4.1 This guidance has been developed to empower individuals to raise concerns safely and openly using internal routes.

6.4.2 However, there may be times where the reporter feels none of the above options would be suitable for raising their concern. In such circumstances it is possible to raise a concern with another body.

6.4.3 In order to retain the protections offered under the [Public Interest Disclosure Act \(1998\)](#), reporters who wish to report their concerns externally should do so only to one of the organisations prescribed within that legislation.

6.4.4 A full list of prescribed persons and bodies is contained at Appendix 'E' - 'Public Interest Disclosure Act (1998) Prescribed Persons' of this guidance

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and at [Blowing the whistle: list of prescribed people and bodies \(Scottish Government\)](#).

7. Confidential Reporting Mechanisms

- 7.1 The purpose of [Public Interest Disclosure Act \(1998\)](#) is to encourage the raising of concerns.
- 7.2 Police Scotland welcomes and recognises the value of anonymous disclosure but there may be limitations for the outcomes; these include the following:
- Detailed investigations may be more difficult, or even impossible, to progress if the individual raising the concern cannot be contacted for further information
 - The information provided may not easily be understood and may need clarification or further explanation
 - There is a chance that information provided may reveal the identity of the individual raising the concern in any event
 - Similarly, where a matter has been reported confidentially for the reasons set out in paragraph 5.2 above, it may not be possible to ensure the reporter's details remain confidential throughout any investigation.
- 7.3 However in recognition that some individuals may prefer to raise concerns in a manner other than the above, they may do by utilising [Integrity Matters](#). Through this process it is possible to report matters on an open, confidential or anonymous basis.

8. How to Respond if Someone Blows the Whistle

- 8.1 Managers who receive whistleblowing concerns from individuals should:
- Have a positive and supportive attitude towards the person
 - Record as much detail as possible about the concern being raised and verify the content of the concern with the individual raising it
 - Be aware of the process following the raising of a concern and explain this to the individual
 - Make sure the individual raising the concern knows what to expect, for example in relation to feedback on it
 - Inform them that their confidentiality will be protected as far as possible, if they request this; Section 5 - Assurances above refers to this
 - Make no promises and manage the expectations of the individual raising the concern

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- Make clear that Police Scotland will not tolerate harassment of anyone raising a whistleblowing concern and ask them to let you know if this happens
- Refer the individual raising the concern to available sources of support, for example their Staff Association or Trade Union
- Pass the information as quickly as possible to senior management so that the appropriate procedures for consideration and investigation of the concern can be initiated
- Complete in as much detail as possible, the [Whistleblowing Report Form 006-001](#). These reports will be retained for the appropriate period as set out in the [Record Retention SOP](#).

8.2 It is important that all concerns are properly recorded to ensure that investigations are properly managed and learning is shared appropriately across Police Scotland.

8.3 The Professional Standards Department Gateway Unit record and assess all incoming reports including those submitted via [Integrity Matters](#) and consider where and how they should be investigated.

8.4 In order to maintain a single database in relation to whistleblowing, the Professional Standards Gateway Unit will also be responsible for recording details of all whistleblowing concerns including those that have been resolved locally at the point of intimation.

9. How Whistleblowing Concerns Will be Dealt With

9.1 All concerns raised will be taken seriously. However, it may not be necessary to carry out a formal investigation in each case. There are a range of possibilities depending on the nature of each case, for example:

- Explaining the context of an issue to the individual raising a concern may be enough to alleviate their concerns
- Minor concerns might be dealt with straight away by line management
- Should the matter be resolved, as described in the above sections, the circumstances should still be reported to the Professional Standards Gateway Unit as described at paragraph 8.4.
- There may however be a clear need for a formal investigation

9.2 Regardless of how the matter is dealt with, provided it has not been raised anonymously, the individual raising the concern will be advised of who is dealing with the matter and how they can be contacted. They will also be offered the opportunity of a meeting to fully discuss the issue.

9.3 It is important that the concern be investigated and resolved timeously. To that end, timescales for investigation should be set and agreed by the reporter and line manager. These should be realistic and achievable. It is important to

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note they must be subject to review should the needs of the particular issue dictate.

- 9.4 Reporters will be contacted in writing by the person investigating their concerns, summarising the complaint and setting out proposals to handle it.
- 9.5 The individual raising the concern will be provided with as much feedback as possible.
- 9.6 Ideally, expectations regarding timescales for updates and methods of communication will be agreed between the person raising the concern and the individual it is being reported to. It is important to note that these may change in light to any investigation. In which case, the member of staff investigating the concern will be responsible for updating the reporter regarding timescales.
- 9.7 There may be occasions however where it is not possible to provide precise details of action taken, for example, where it would infringe a duty of confidence owed to another party or where it could prejudice an investigation or other proceedings.
- 9.8 Such matters should be dealt with sensitively and with as much openness as possible.
- 9.9 All concerns raised must be notified to the Professional Standards Gateway Unit so that they are carefully recorded and monitored, and to enable reports to be made to the Deputy Chief Constable Designate in a timely manner.

10. Strategic Oversight

- 10.1 It is important that there is executive oversight of whistleblowing.
- 10.2 To that end, the Head of Professional Standards will report on no less than a quarterly basis to the Deputy Chief Constable Designate. That officer will be responsible for ensuring that all issues of whistleblowing have been dealt with timeously and that the learning achieved from such reports has been shared across Police Scotland.
- 10.3 Where issues of confidentiality allow, and in the interests of transparency, members of the Staff Associations and Trades Unions will be invited to attend these review meetings.

11. Independent Advice

- 11.1 If an individual is unsure whether or how to raise a concern, or they want confidential advice at any stage, they may contact their Trade Union, Staff Association or the [EAP](#). Individuals may also contact the independent charity [Public Concern at Work](#) on 020 7404 6609 or by email at

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helpline@pcaw.co.uk. **Public Concern at Work**, staff will talk through options and help individuals raise their concerns about malpractice at work.

- 11.2 In addition, individuals may wish to contact **ACAS** or the **Citizens Advice Scotland** who offer specific advice relating to whistleblowing.

12. External Disclosures

- 12.1 As noted at paragraph 6.4 above, there may be instances where a complainer may feel it appropriate to make raise a concern with an external person.
- 12.2 The persons recognised within the **Public Interest Disclosure Act (1998)** are contained at Appendix 'E' - 'Public Interest Disclosure Act (1998) Prescribed Persons'.
- 12.3 Reporting a concern to one of these 'prescribed persons' affords the reporter all the protections set out in the legislation.
- 12.4 It is important to remember such protections are not applicable to reporters who report matters to people or bodies not listed within Appendix 'E' - 'Public Interest Disclosure Act (1998) Prescribed Persons', such as media outlets.
- 12.5 In addition, the opportunity exists for members of police staff (not police officers) to report issues directly to the Scottish Government where they believe that the response does not represent a reasonable response from Police Scotland, to the grounds of their concern.
- 12.6 In that case individuals may then report the matter in writing to a nominated official in the Scottish Government Sponsor Team at the following email address; police_policy_strategy_support_team@scotland.gsi.gov.uk.

13. Malicious Reports

- 13.1 Police Scotland actively encourages the reporting of wrongdoing and recognises that the vast majority of individuals making concerns do so out of a desire to 'do the right thing' for the organisation.
- 13.2 However where it appears that a report has been made maliciously this will be investigated.

14. The Reporting Process

- 14.1 The diagram in Appendix 'F' – 'Options for Reporting Concerns' outlines four options for raising a concern within Police Scotland. This is offered as guidance only as it may be the case that complainers might move directly to option two, three or four depending on the circumstance of the particular concern.

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14.2 It should also be noted that all complaints must be reported to the Professional Standards Gateway Unit.

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List of Associated Legislation

- [Public Interest Disclosure Act \(1998\)](#)

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List of Associated Reference Documents

Policy

- [Anti-Corruption Policy](#)

Standard Operating Procedures

- [Complaints about the Police SOP](#)
- [Disciplinary SOP](#)
- [Equality Diversity and Dignity SOP](#)
- [Government Protective Marking Scheme \(GPMS\) SOP](#)
- [Grievance SOP](#)
- [Information Security SOP](#)
- [Record Retention SOP](#)

Guidance

- [ACAS](#)
- [Blowing the whistle: list of prescribed people and bodies \(Scot Gov\)](#)
- [Citizens Advice Scotland](#)
- [Employee Assistance Programme](#)
- [Integrity Matters](#)
- [Public Concern at Work](#)
- [Standards of Professional Behaviour](#)

List of Associated Forms

- Whistleblowing Report Form 006-001

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Contact Details

- [Policing Values and Professional Ethics Unit](#)

Public Concern at Work

- Tel: 020 7404 6609
- Email: helpline@pcaw.co.uk

Scottish Government Sponsor Team

- Email: police_policy_strategy_support_team@scotland.gsi.gov.uk

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Public Interest Disclosure Act (1998) Prescribed Persons

The Chief Executive of the Scottish Criminal Cases Review Commission about actual or potential miscarriages of justice in Scotland.

- Scottish Criminal Cases Review Commission
5th Floor, Portland House 1
7 Renfield Street
Glasgow
G2 5AH
- Tel: 0141 270 7030; Fax: 0141 270 7040
- Email: info@sccrc.org.uk
- Website: www.sccrc.org.uk

Accounts Commission for Scotland about the proper conduct of public business, value for money, fraud and corruption in local government bodies in Scotland.

- The Secretary to the Accounts Commission Accounts Commission for Scotland
102 West Port
Edinburgh
EH3 9DN
- Tel: 0131 625 1500
- Email: correspondence@audit-scotland.gov.uk
- Website: www.audit-scotland.gov.uk

The Auditor General for Scotland about the proper conduct of public businesses in Scotland, including value for money, fraud and corruption in relation to the provision of public services in Scotland.

- The Auditor General for Scotland Audit Scotland
102 West Port
Edinburgh
EH3 9DN
- Tel: 0131 625 1500
- Email: correspondence@audit-scotland.gov.uk
- Website: www.audit-scotland.gov.uk

Audit Scotland about the proper conduct of public businesses in Scotland, including value for money, fraud and corruption in public bodies in Scotland.

- The Chief Operating Officer Audit Scotland

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102 West Port
Edinburgh
EH3 9DN

- Tel: 0131 625 1500
- Email: correspondence@audit-scotland.gov.uk
- Website: www.audit-scotland.gov.uk

Commissioner for Ethical Standards in Public Life in Scotland about breaches by a councillor or a member of a devolved public body of the code of conduct applicable to that councillor or member in Scotland.

- Commissioner for Ethical Standards in Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE
- Tel: 0300 011 0550
- Email: investigations@ethicalstandards.org.uk

The Lord Advocate, Scotland about serious or complex fraud in Scotland.

- The Head of the Serious and Organised Crime Division
Crown Office
25 Chambers Street
Edinburgh
EH1 1LA
- Tel: 08445 614061
- Email: SOCDADMINEast@copfs.gsi.gov.uk

The Scottish Information Commissioner about compliance with the requirement of legislation relating to freedom of information in Scotland.

- Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS
- Tel: 01344 464610
- Email: enquiries@itspublicknowledge.info
- Website: www.itspublicknowledge.info

The Scottish Environment Protection Agency about acts or omissions which have an actual or potential effect on the environment or the management or regulation of

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the environment, including those relating to flood warning systems and systems and pollution in Scotland.

- Customer Service Scottish Environment Protection Agency
Erskine Court Castle Business Park
Stirling
FK9 4TR
- Tel: 08456 124 124
- Email: CustomerServices@sepa.org.uk
- Website: www.sepa.org.uk

The Health and Safety Executive about matters relating to those industries and work activities for which the Health and Safety Executive is the enforcing authority under the [Health and Safety \(Enforcing Authority\) Regulations \(1998\)](#) and which are about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

- Health and Safety Executive
- Tel: 0300 003 1647
- Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm>
- Website: www.hse.gov.uk

Revenue Scotland about the administration of the devolved taxes in Scotland, (Land and Buildings Transaction Tax, and Scottish Landfill Tax)

- Revenue Scotland
Victoria Quay
Edinburgh,
EH6 6QQ
- Email: info@revenue.scot
- Website: www.revenue.scot

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Options for Reporting Concerns

Option One

If you have a concern, raise it first with your manager.

This can be done verbally or in writing.

Option Two

If you feel unable to raise the matter with your manager, for whatever reason, raise the matter with any of the following:

- Local Commander/Division or Department Heads
- Director of People and Development
- Head of Anti-Corruption Unit/Head of Professional Standards Unit
- Report your concern via [Integrity Matters](#)

Option Three

If these options have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of those listed above, you can contact the Policing Values and Professional Ethics Unit.

Option Four

Should you feel that the matter you are concerned about is so serious it cannot be discussed with anyone within policing then there is an opportunity to raise the matter directly with one of the 'prescribed persons' set out in Appendix 'E' of this guidance.

Alternatively, if you are a member of police staff, you have the opportunity to report your concerns directly to [Scottish Government Sponsor Team](#).

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Extract from

**RECORD OF CCU Reference Group Meeting
Monday 24 April 2017
Pacific Quay, Boardroom, 1230 – 1400 hrs**

**Item 3.1 and 3.2 Police Scotland/Scottish Police Authority
Whistleblowing Policy and Guidance (DCC Johnny Gwynne/John
McLean)**

3.1.1 The Chair noted the Approval of the Whistleblowing Policies for both SPA and Police Scotland sat out with the remit of the CCU Reference Group however thanked colleagues for providing the opportunity for the CCU Reference Group Members to contribute to the development of the policies.

3.1.2 DCCJG thanked all of the contributors for their efforts in developing the Whistleblowing Policy. DCCJG explained the Police Scotland and SPA Whistleblowing Policies were distinct but complimentary in their approach.

3.1.3 RJ suggested there could be, in his view, a benefit to revising the wording in section 12.3 and 12.4 to ensure a clearer understanding of the clause. DCCJG commented that he believed the Policy, in its current state, was clear enough. The Group agreed the Policy provided sufficient information on how an individual should take any Whistleblowing matter forward.

3.1.4 Members of the CCU Reference Group agreed they were content to endorse the Police Scotland and SPA Whistleblowing Policies.

Extract from

**Scottish Police Authority Audit Committee
Tuesday 25th April 2017 (SPAAUDIT-250417)**

6.1. Police Scotland Whistleblowing Policy

6.1.1 The Chair advised that the Police Scotland Whistleblowing Policy had been through both the CCU Reference Group and People Committee. The Audit Committee had interest around the assurance around the implementation of the policy along with the collection, reporting and monitoring of information. The Chair advised that the Audit Committee were also keen to understand whether any thought had been given to reports coming back to the Audit Committee in terms of how the system was operating from an assurance point and how the policy would be reviewed periodically to ensure ongoing effectiveness. The Chair also noted that Members had previously raised issues around training and development of information and the publicity that would be given once implemented and up and running.

6.1.2 DCC Johnny Gwynne (DCCJGwynne) provided an overview of the policy and advised that the document was user friendly and had been through an extensive consultation and noted the CCU Reference group were content with the document.

6.1.3 C I Ritchie Adams (CIRAdams) advised that the policy had been through consultation and engagement with staff associations. All iterations had been through the CCU Review with version 14 being presented. CIRAdams advised that the work done by Metropolitan Police and Police Service of Northern Ireland had been closely addressed to be replicated within the presented policy. The guidance laid out 4 distinct routes for a whistle-blower to report. CIRAdams referred to reviewing and effectiveness and advised that Police Scotland were keen to grasp learning and advised that the DCC Designate would meet with the Head of Professional Standards no less than once a quarter to address all whistleblowing items and actions raised in that period. CIRAdams advised that where appropriate there was a hope to have staff associations and trade unions at review meetings with the DCC Designate. CIRAdams referred to reporting and monitoring and advised that Police Scotland were looking to develop a "Raising Concerns at Work" page for the intranet to allow whistle-blowers to self-triage any issues. CIRAdams referred to training and advised that discussions were ongoing with the Head of Training in Police Scotland to identify the best approach for first and second line supervisors.

6.1.4 Robin McGill (RMcGill) noted his concerns around option 1 noted within the policy. CIRAdams advised that it what was most comfortable

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for the whistle-blower and advised that various options had been put in place for that reason.

6.1.5 EWilkinson sought clarity on what reporting would come back to the Audit Committee in order to provide them with assurance that an appropriate response was being taken in response to any patterns of whistleblowing occurring within the organisation. DCCJGwynne advised that there had been a discussion with the CCU Reference Group and advised that it was a decision required by the SPA as to where Police Scotland should be reporting on whistle-blowing to. The Chair proposed that Police Scotland return to the Audit Committee in July with an Assurance Statement which would provide assurance that monitoring information would be collected and reported into the Audit Committee about the operation of the system on a periodic basis, the review referred to within the strategic oversight which refers to the effectiveness of the scheme and the training, publicity and promotion. EWilkinson sought assurance that a 6 monthly or annual report would come to the Audit Committee. The Chair asked Police Scotland to ensure that the reporting returns to the Audit Committee.

6.1.6 DCCJGwynne referred to actions 240117-AUDIT-006 and 240117-AUDIT-010 and sought clarity that they whether both actions could be discharged together. The Chair agreed that both actions were around external validation. DCCJGwynne advised that benchmarking work had been carried out with other providers but that he bring an update back to the next committee to discharge both actions.

240417-AUDIT-001: DCC Johnny Gwynne to prepare a short assurance statement which would address the collection and reporting of monitoring information and the reporting cycle into the Audit Committee, the review of the policy to ensure ongoing effectiveness, the provision of training to management and other staff and the delivery of the communication and information strategy on the policy. DCC Johnny Gwynne to ensure that regular reporting is returned to the Audit Committee for reporting of the policy. DCC Johnny Gwynne also to provide an update to the next Audit Committee on work that had been carried out on external validation in relation to the policy.

6.1.7 Members **NOTED** the Police Scotland Whistleblowing Policy.

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Extract from

**Scottish Police Authority People Committee
Thursday 27th April 2017 Pacific Quay (PEO 003)**

4.1.1 The Whistleblowing Policies for both SPA and Police Scotland have been progressed. These policies will mirror each other. Assurance has been received from the CCU Reference Group and the People Committee (off line). This has also been discussed at the Audit Committee, who focused on training and communication.

SCOTTISH POLICE
AUTHORITY

Meeting	Public SPA Board Meeting
Date	25 May 2017
Location	Golden Jubilee Conference Hotel
Title of Paper	Police Scotland Whistleblowing Policy
Item Number	15.2
Presented By	DCC Gwynne
Recommendation to Members	For Approval
Appendix Attached	Yes

PURPOSE

The purpose of this paper is to seek approval from the SPA Board in relation to the development of a Police Scotland Whistleblowing Policy and Guidance.

1. BACKGROUND

- 1.1 On 1 March 2016, at the Justice Committee, Chief Constable Gormley confirmed Police Scotland would develop a Whistleblowing Policy to assist with providing police officers and members of police staff with information and relevant processes to enable them to raise concerns regarding any concerning activities they had identified within Police Scotland.
- 1.2 On 27 June 2016, HM Inspectorate of Constabulary published its Assurance Review into the state, effectiveness and efficiency of Police Scotland's Counter Corruption Unit.
- 1.3 Recommendation 20 of this review stated 'Police Scotland, through engagement with staff associations, should progress development of its "whistleblowing" policy, which informs relevant standard operating procedures that support those who report wrongdoing.'
- 1.4 This paper has been presented to the Audit Committee on 25 April 2017 and thereafter on 27 April 2017, the People Committee viewed and gave approval the paper and supporting documentation to be submitted to the SPA Board on 25 May 2017.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 Police Scotland have developed the Whistleblowing Policy and Guidance to empower individuals to raise their concerns safely using identified internal routes. However should the reporter identify an internal route would be unsuitable for raising their concern it is possible to raise a concern with another body in line with The Public Interest Disclosure Act 1998.
- 2.2 Consultation and engagement has been undertaken throughout the development of the Whistleblowing Policy and Guidance and supporting Equality and Human Rights Impact Assessment (EqHRIA) ensured statutory and diversity staff associations were consulted.
- 2.3 On 20 March 2017, the Chief Constable and the Police Scotland Command team endorsed the Whistleblowing Policy and Guidance as Police Scotland Policy.
- 2.4 The implementation of the Whistleblowing Policy and Guidance will only take place after formal presentation to the Scottish Police Authority Public Board meeting on the 25th May 2017.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are equality implications associated with this paper.

9.2 Individuals with a protected characteristic may in some circumstances, need extra safeguards or support to protect them from potential harassment, victimisation or bullying. The Whistleblowing Policy and Guidance contains specific reference to this point and Police Scotland are committed to the principles outlined in the Equality Diversity and Dignity SOP and does not tolerate any form of discrimination, victimisation, bullying or harassment.

9.3 Police Scotland will monitor and evaluate any issues and concerns raised in order to identify and respond to any trends and ensure all statutory duties are met under the Equality Act 2010 and the Public Sector Equality Duties.

10. ENVIRONMENT IMPLICATIONS

SPA Public Board
Police Scotland Whistleblowing Policy
25 May 2017

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to:

Note the attached Whistleblowing Policy and Guidance.



POLICE SCOTLAND

Keeping people safe

Whistleblowing Policy

Owning Department:	Professional Standards, Policy and Co-ordination Unit
Version Number:	1.00
Date Published:	DD/MM/YYYY

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NOT PROTECTIVELY MARKED

Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA):	Date Initially Completed	DD/MM/YYYY
	Reviewed/Updated	DD/MM/YYYY
Information Management Compliant:	Yes/No	
Health & Safety Compliant:	Yes/No	
Publishable Externally in Current Format:	Yes/No	

Version Control Table

Version Number:	History of Amendments:	Date:
V0.04	Initial draft – HR Policy Formatted	DD/MM/YYYY
V1.00	Authorised version	DD/MM/YYYY

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The Police Service of Scotland (hereafter referred to as Police Scotland) is committed to developing and maintaining a safe working environment for all individuals. This commitment is reflected in our values and the [Code of Ethics for Policing](#) in Scotland.

It is important that individuals are empowered to raise concerns with confidence and that such concerns are properly addressed. Individuals are often the first to realise that there may be something wrong within their workplace. Police Scotland views reporting of this as a positive act.

Police Scotland is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. This Policy and associated [Guidance](#) encourages individuals to report any concerns, confident that they will be properly addressed.

That [Guidance](#) and this Policy, applies to police officers, police staff, members of the special constabulary and any other contractor, volunteer or other person engaged in working with Police Scotland.

All activity undertaken in respect of both this Policy and the associated [Guidance](#) will reflect the values of Integrity, Fairness and Respect and ensure the requirements both of the [Code of Ethics and Values](#) for Policing in Scotland and the [Human Rights Act \(1998\)](#) are discharged.

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Whistleblowing Guidance

Owning Department	Professional Standards, Policy and Co-ordination Unit
Version Number	1.00
Date Published	DD/MM/YYYY

Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA): Date Completed/Reviewed:	DD/MM/YY
Information Management Compliant:	Yes/No
Health and Safety Compliant:	Yes/No
Publication Scheme Compliant:	Yes/No

Version Control Table

Version	History of Amendments	Approval Date
1.00	Initial Approved Version	DD/MM/YY

Contents

1. Introduction
2. Whistleblower or Not?
3. Who is Protected by the Law and What Types of Concerns Could be Raised as Whistleblowing?
4. Responsibilities to Report Wrongdoing
5. Assurances
6. How to Blow the Whistle
7. Confidential Reporting Mechanisms
8. How to Respond if Someone Blows the Whistle
9. How Whistleblowing Concerns Will be Dealt With
10. Strategic Oversight
11. Independent Advice
12. External Disclosures
13. Malicious Reports
14. The Reporting Process

Appendices

Appendix 'A'	List of Associated Legislation
Appendix 'B'	List of Associated Reference Documents
Appendix 'C'	List of Associated Forms
Appendix 'D'	Contact Details
Appendix 'E'	Public Interest Disclosure Act (1998) Prescribed Persons
Appendix 'F'	Options for Reporting Concerns

1. Introduction

- 1.1 This Guidance supports the Police Service of Scotland (hereafter referred to as Police Scotland) [Anti-Corruption Policy](#).
- 1.2 This guidance applies to all police officers special constables, members of police staff, contractors and agency staff.
- 1.3 The term individual will be used to refer to police officers and police staff from this point forward. Where aspects of this guidance applies only to either police staff or police officers this will be specified.
- 1.4 It provides guidance on how whistleblowing will be undertaken for Police Scotland.
- 1.5 This guidance only applies to whistleblowing. Complaints relating to grievances or bullying or harassment should be raised using the relevant procedures: - [Grievance SOP](#); [Disciplinary SOP](#) (police staff); [Complaints about the Police SOP](#).
- 1.6 Police Scotland wants to create an environment where individuals feel confident to come forward to raise concerns when they reasonably believe that the wrong thing is being or has been done.
- 1.7 Such an environment is often referred to under the title of Whistleblowing and has many potential benefits to any organisation. It is an environment which is encouraged within Police Scotland.
- 1.8 Whistleblowing is welcomed by Police Scotland as an important source of information that may highlight serious risks to the effectiveness and efficiency of the organisation or potential fraud or corruption.
- 1.9 Individuals are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the 'eyes and ears' of Police Scotland cannot be overstated.
- 1.10 Encouraging people to speak out has many benefits, it:
 - Protects others by preventing wrong-doing
 - Promotes a culture of openness and transparency
 - Protects and reassures others in the workforce
 - Helps to maintain a healthy working culture and an effective and efficient organisation
- 1.11 Police Scotland's willingness to examine areas of potential weakness and to listen carefully to issues and concerns raised by individuals' means prompt action can be taken to address potential problems.

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- 1.12 Within Police Scotland there are a range of opportunities for individuals to raise concerns, including speaking with line managers, departmental heads and using Police Scotland's online confidential reporting system, [Integrity Matters](#).
- 1.13 [Integrity Matters](#) is an online confidential reporting mechanism providing an opportunity for all individuals to anonymously report any concerns they have regarding unethical, unacceptable, unprofessional or illegal behaviour.
- 1.14 The [Public Interest Disclosure Act \(1998\)](#) is the legislation that pertains to whistleblowing. It sets out the protections afforded to whistleblowers as well as the types of situation where it would be reasonably expected for an individual to raise a concern. These details are set out in Section 3 below.

2. Whistleblower or Not?

- 2.1 A simple way to establish whether an individual is likely to be regarded as a 'whistleblower' or not is to consider what the issue is about:
- Does it raise issues for 'others' e.g. the organisation, colleagues, clients, or the wider public? If yes, then it is likely to be treated as whistleblowing.
 - Does it raise issues which really only concern the individual ('self') e.g. a personal grievance about terms of employment, pay, or unfair treatment? If yes, then it is more likely that it should be raised as a grievance or bullying and harassment matter – although it could still be whistleblowing if it is assessed to be so serious as to be in the public interest too.
- 2.2 Generally a whistleblower has no self interest in the issue being raised. However, the distinction may not always be clear cut.

3. Who is Protected by the Law and What Types of Concerns Could be Raised as Whistleblowing?

- 3.1 As discussed in paragraph 1.13 above, the [Public Interest Disclosure Act \(1998\)](#) sets out the situations where it would be expected that an individual may blow the whistle. Where that occurs, the [Public Interest Disclosure Act \(1998\)](#) offers the whistleblower certain protections.
- 3.2 You're protected if you're a 'worker', e.g. you are:
- An employee, such as a member of police staff
 - A police officer/special constable
 - An agency worker or contractor;

and you disclose any information which in your **reasonable belief** is made in the **public interest** and tends to raise one or more of the following types of complaint:

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- Where a criminal offence has been committed, is being committed or is likely to be committed
- Where a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject
- Where a miscarriage of justice has occurred, is occurring or is likely to occur
- Where the health or safety of any individual has been, is being or is likely to be endangered
- Where the environment has been, is being or is likely to be damaged
- Where deliberate concealment of information in relation to any of the above

3.3 The individual raising the concern only needs to have a **reasonable belief** that the issue has occurred, is occurring, or is likely to occur in the future. It is best to raise the concern as early as possible, even if it is only a reasonable belief, to allow the matter to be looked into promptly.

3.4 Evidence or proof of wrongdoing is not necessarily required, albeit this would assist in supporting the concerns raised. However provided the reporting is based upon a reasonable belief, it does not matter that the individual may be mistaken.

4. Responsibilities to Report Wrongdoing

4.1 All Police Scotland staff are expected to report any criminal offence that is disclosed to them.

4.2 By failing to act you may be assisting in the wrongdoing and may be liable for criminal and/or misconduct proceedings depending on the seriousness of the wrongdoing.

4.3 There is a legal obligation in respect of reporting Health and Safety matters.

4.4 Staff also have a duty to report breaches of the [Standards of Professional Behaviour](#).

4.5 Individuals must never ignore situations where colleagues are behaving unethically or unprofessionally, irrespective of the individual's rank, grade or role.

4.6 All staff have a positive obligation to question the conduct of colleagues that they believe falls below expected standards and, if necessary, challenge, report or take action against such conduct.

4.7 How such breaches should be reported is set out below within Section 6.

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5. Assurances

5.1 Confidentiality

5.1.1 Concerns can be raised openly, confidentially or anonymously.

5.1.2 If a concern is raised in confidence, Police Scotland will seek to respect that confidence as far as possible.

5.1.3 It may not always be possible to maintain confidentiality, for example when the concern relates to a matter of criminality. Where this is the case, the matter will be discussed with the reporter, and where possible, consent gained prior to taking any action which could identify them. Should such consent not be gained, then the person receiving the report should consider whether the issue might be resolved without the reporter being identified and whether this would be appropriate. If not, then this should be made clear to the reporter and they should be supported appropriately.

5.1.4 It is important to note that all information which relates to individuals will be managed in accordance with the rights and obligations provided under the Human Rights Act 1998 and the Data Protection Act 1998.

5.1.5 All individuals dealing with reporters should be mindful of practical steps to ensure confidentiality is maintained, for example:

- Ensuring that documents are properly classified in line with [Government Protective Marking Scheme \(GPMS\) SOP](#) and that electronic files are properly protected
- Ensuring that the minimum number of people necessary have access to documents
- Being discreet about when and where any meetings are held with the reporter
- Ensuring that sensitive case papers are not left in open view to those who are not entitled to see them
- Advice and guidance in relation to information security is available in the Information Security SOP

5.2 Support and Protection from Harassment

5.2.1 Police Scotland is committed to supporting anyone who has raised a concern and will not tolerate their harassment or victimisation where their confidentiality has not been maintained.

5.2.2 Where the reporter feels that this has not been achieved then it is important that they work with Police Scotland to resolve matters. This should be done through line management or through escalation to an area or divisional commander or other line manager.

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- 5.2.3 Where an individual raises a concern, they should be aware that the protections afforded continue indefinitely. To that end, no detriment should be suffered by reporters at any point in the future, for example raising a concern will not affect an individual's progression. Should reporters remain concerned about issues of confidentiality, then it may be appropriate for them to consider reporting their concern via [Integrity Matters](#).
- 5.2.4 The [Employee Assistance Programme \(EAP\)](#) can provide emotional support and legal advice to any member of staff who has reported a concern. The [EAP](#) can be accessed at any stage in the process of reporting concerns.
- 5.2.5 If however, this has not been successful then it may be that the complainer may wish to seek remedy through an Employment Tribunal.
- 5.2.6 Advice on access to Employment Tribunals can be found by visiting [Citizens Advice Scotland](#), [ACAS](#) or [Public Concern at Work](#). Additionally, reporters may seek advice from their Trade Union or Staff Association.
- 5.2.7 Reporters should note time frames for raising an action at an Employment Tribunal are limited. In general, this should be done within three months, less one day from the incident taking place.
- 5.2.8 Police Scotland is committed to supporting any whistleblower who has raised a concern and will not tolerate their harassment or victimisation. It is recognised that individuals with a protected characteristic may in some circumstances, need extra safeguards or support to protect them from harassment, victimisation or bullying.
- 5.2.9 Police Scotland is committed to the principles outlined in the [Equality Diversity and Dignity SOP](#) and does not tolerate any form of discrimination, victimisation, bullying or harassment.

6. How to Blow the Whistle

6.1 Option One

- 6.1.1 When an individual has a concern they wish to raise, if appropriate, it should be raised first with their line manager or another manager. This can be done verbally or in writing.
- 6.1.2 Notwithstanding Section 3 - 'Who is Protected by the Law and What Types of Complaints Could be Raised as Whistleblowing?' above, all concerns will, at the outset be treated in confidence.
- 6.1.3 Should the individual wish to, they may be accompanied by a Trade Union or Staff Association Representative or colleague at this meeting.
- 6.1.4 It is the responsibility of the manager to raise issues of confidentiality with the reporter and to record both the wishes of the reporter and, where that

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confidentiality cannot be guaranteed, to set out the rational why that is the case and record that this has been discussed with the reporter.

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6.2 Option Two

6.2.1 If, for whatever reason the individual raising the concern feels that raising it with a manager is not appropriate, or it has not worked, the concern may be raised with one of the following:

- Local Commander/Head of Division or Department
- Director of People and Development
- Head of Anti-Corruption Unit/Head of Professional Standards Unit
- Report your concern via the on-line [Integrity Matters](#) system and use this as a means of reporting

6.2.2 It is the responsibility of individuals noted at 6.1.1 with whom the concern is raised, to discuss issues of confidentiality with the reporter and to record both the wishes of the reporter and, where that confidentiality cannot be guaranteed, to set out the rational why that is the case and record that this has been discussed with the reporter.

6.2.3 The presumption exists that all concerns will be treated in confidence. However, there may be instances where that presumption cannot be met due to legal requirements. Where this is the case, the responsibility lies with the manager to explain the rational for this decision to the reporter.

6.2.4 It may be that the reporter does not wish their complaint to be treated in confidence. This issue will also be matter for discussion with the manager when noting the concern.

6.3 Option Three

6.3.1 If any of these channels have been followed and the individual raising the concern believes it remains unresolved, or they feel the matter cannot be pursued through any of the above, then a concern can be raised directly with the Policing Values and Professional Ethics Unit.

6.4 Option Four

6.4.1 This guidance has been developed to empower individuals to raise concerns safely and openly using internal routes.

6.4.2 However, there may be times where the reporter feels none of the above options would be suitable for raising their concern. In such circumstances it is possible to raise a concern with another body.

6.4.3 In order to retain the protections offered under the [Public Interest Disclosure Act \(1998\)](#), reporters who wish to report their concerns externally should do so only to one of the organisations prescribed within that legislation.

6.4.4 A full list of prescribed persons and bodies is contained at Appendix 'E' - 'Public Interest Disclosure Act (1998) Prescribed Persons' of this guidance

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and at [Blowing the whistle: list of prescribed people and bodies \(Scottish Government\)](#).

7. Confidential Reporting Mechanisms

- 7.1 The purpose of [Public Interest Disclosure Act \(1998\)](#) is to encourage the raising of concerns.
- 7.2 Police Scotland welcomes and recognises the value of anonymous disclosure but there may be limitations for the outcomes; these include the following:
- Detailed investigations may be more difficult, or even impossible, to progress if the individual raising the concern cannot be contacted for further information
 - The information provided may not easily be understood and may need clarification or further explanation
 - There is a chance that information provided may reveal the identity of the individual raising the concern in any event
 - Similarly, where a matter has been reported confidentially for the reasons set out in paragraph 5.2 above, it may not be possible to ensure the reporter's details remain confidential throughout any investigation.
- 7.3 However in recognition that some individuals may prefer to raise concerns in a manner other than the above, they may do by utilising [Integrity Matters](#). Through this process it is possible to report matters on an open, confidential or anonymous basis.

8. How to Respond if Someone Blows the Whistle

- 8.1 Managers who receive whistleblowing concerns from individuals should:
- Have a positive and supportive attitude towards the person
 - Record as much detail as possible about the concern being raised and verify the content of the concern with the individual raising it
 - Be aware of the process following the raising of a concern and explain this to the individual
 - Make sure the individual raising the concern knows what to expect, for example in relation to feedback on it
 - Inform them that their confidentiality will be protected as far as possible, if they request this; Section 5 - Assurances above refers to this
 - Make no promises and manage the expectations of the individual raising the concern

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- Make clear that Police Scotland will not tolerate harassment of anyone raising a whistleblowing concern and ask them to let you know if this happens
- Refer the individual raising the concern to available sources of support, for example their Staff Association or Trade Union
- Pass the information as quickly as possible to senior management so that the appropriate procedures for consideration and investigation of the concern can be initiated
- Complete in as much detail as possible, the [Whistleblowing Report Form 006-001](#). These reports will be retained for the appropriate period as set out in the [Record Retention SOP](#).

8.2 It is important that all concerns are properly recorded to ensure that investigations are properly managed and learning is shared appropriately across Police Scotland.

8.3 The Professional Standards Department Gateway Unit record and assess all incoming reports including those submitted via [Integrity Matters](#) and consider where and how they should be investigated.

8.4 In order to maintain a single database in relation to whistleblowing, the Professional Standards Gateway Unit will also be responsible for recording details of all whistleblowing concerns including those that have been resolved locally at the point of intimation.

9. How Whistleblowing Concerns Will be Dealt With

9.1 All concerns raised will be taken seriously. However, it may not be necessary to carry out a formal investigation in each case. There are a range of possibilities depending on the nature of each case, for example:

- Explaining the context of an issue to the individual raising a concern may be enough to alleviate their concerns
- Minor concerns might be dealt with straight away by line management
- Should the matter be resolved, as described in the above sections, the circumstances should still be reported to the Professional Standards Gateway Unit as described at paragraph 8.4.
- There may however be a clear need for a formal investigation

9.2 Regardless of how the matter is dealt with, provided it has not been raised anonymously, the individual raising the concern will be advised of who is dealing with the matter and how they can be contacted. They will also be offered the opportunity of a meeting to fully discuss the issue.

9.3 It is important that the concern be investigated and resolved timeously. To that end, timescales for investigation should be set and agreed by the reporter and line manager. These should be realistic and achievable. It is important to

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note they must be subject to review should the needs of the particular issue dictate.

- 9.4 Reporters will be contacted in writing by the person investigating their concerns, summarising the complaint and setting out proposals to handle it.
- 9.5 The individual raising the concern will be provided with as much feedback as possible.
- 9.6 Ideally, expectations regarding timescales for updates and methods of communication will be agreed between the person raising the concern and the individual it is being reported to. It is important to note that these may change in light to any investigation. In which case, the member of staff investigating the concern will be responsible for updating the reporter regarding timescales.
- 9.7 There may be occasions however where it is not possible to provide precise details of action taken, for example, where it would infringe a duty of confidence owed to another party or where it could prejudice an investigation or other proceedings.
- 9.8 Such matters should be dealt with sensitively and with as much openness as possible.
- 9.9 All concerns raised must be notified to the Professional Standards Gateway Unit so that they are carefully recorded and monitored, and to enable reports to be made to the Deputy Chief Constable Designate in a timely manner.

10. Strategic Oversight

- 10.1 It is important that there is executive oversight of whistleblowing.
- 10.2 To that end, the Head of Professional Standards will report on no less than a quarterly basis to the Deputy Chief Constable Designate. That officer will be responsible for ensuring that all issues of whistleblowing have been dealt with timeously and that the learning achieved from such reports has been shared across Police Scotland.
- 10.3 Where issues of confidentiality allow, and in the interests of transparency, members of the Staff Associations and Trades Unions will be invited to attend these review meetings.

11. Independent Advice

- 11.1 If an individual is unsure whether or how to raise a concern, or they want confidential advice at any stage, they may contact their Trade Union, Staff Association or the [EAP](#). Individuals may also contact the independent charity [Public Concern at Work](#) on 020 7404 6609 or by email at

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helpline@pcaw.co.uk. **Public Concern at Work**, staff will talk through options and help individuals raise their concerns about malpractice at work.

- 11.2 In addition, individuals may wish to contact **ACAS** or the **Citizens Advice Scotland** who offer specific advice relating to whistleblowing.

12. External Disclosures

- 12.1 As noted at paragraph 6.4 above, there may be instances where a complainer may feel it appropriate to make raise a concern with an external person.
- 12.2 The persons recognised within the **Public Interest Disclosure Act (1998)** are contained at Appendix 'E' - 'Public Interest Disclosure Act (1998) Prescribed Persons'.
- 12.3 Reporting a concern to one of these 'prescribed persons' affords the reporter all the protections set out in the legislation.
- 12.4 It is important to remember such protections are not applicable to reporters who report matters to people or bodies not listed within Appendix 'E' - 'Public Interest Disclosure Act (1998) Prescribed Persons', such as media outlets.
- 12.5 In addition, the opportunity exists for members of police staff (not police officers) to report issues directly to the Scottish Government where they believe that the response does not represent a reasonable response from Police Scotland, to the grounds of their concern.
- 12.6 In that case individuals may then report the matter in writing to a nominated official in the Scottish Government Sponsor Team at the following email address; police_policy_strategy_support_team@scotland.gsi.gov.uk.

13. Malicious Reports

- 13.1 Police Scotland actively encourages the reporting of wrongdoing and recognises that the vast majority of individuals making concerns do so out of a desire to 'do the right thing' for the organisation.
- 13.2 However where it appears that a report has been made maliciously this will be investigated.

14. The Reporting Process

- 14.1 The diagram in Appendix 'F' – 'Options for Reporting Concerns' outlines four options for raising a concern within Police Scotland. This is offered as guidance only as it may be the case that complainers might move directly to option two, three or four depending on the circumstance of the particular concern.

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14.2 It should also be noted that all complaints must be reported to the Professional Standards Gateway Unit.

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List of Associated Legislation

- [Public Interest Disclosure Act \(1998\)](#)

List of Associated Reference Documents

Policy

- [Anti-Corruption Policy](#)

Standard Operating Procedures

- [Complaints about the Police SOP](#)
- [Disciplinary SOP](#)
- [Equality Diversity and Dignity SOP](#)
- [Government Protective Marking Scheme \(GPMS\) SOP](#)
- [Grievance SOP](#)
- [Information Security SOP](#)
- [Record Retention SOP](#)

Guidance

- [ACAS](#)
- [Blowing the whistle: list of prescribed people and bodies \(Scot Gov\)](#)
- [Citizens Advice Scotland](#)
- [Employee Assistance Programme](#)
- [Integrity Matters](#)
- [Public Concern at Work](#)
- [Standards of Professional Behaviour](#)

List of Associated Forms

- [Whistleblowing Report Form 006-001](#)

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Contact Details

- [Policing Values and Professional Ethics Unit](#)

Public Concern at Work

- Tel: 020 7404 6609
- Email: helpline@pcaw.co.uk

Scottish Government Sponsor Team

- Email: police_policy_strategy_support_team@scotland.gsi.gov.uk

Public Interest Disclosure Act (1998) Prescribed Persons

The Chief Executive of the Scottish Criminal Cases Review Commission about actual or potential miscarriages of justice in Scotland.

- Scottish Criminal Cases Review Commission
5th Floor, Portland House 1
7 Renfield Street
Glasgow
G2 5AH
- Tel: 0141 270 7030; Fax: 0141 270 7040
- Email: info@sccrc.org.uk
- Website: www.sccrc.org.uk

Accounts Commission for Scotland about the proper conduct of public business, value for money, fraud and corruption in local government bodies in Scotland.

- The Secretary to the Accounts Commission Accounts Commission for Scotland
102 West Port
Edinburgh
EH3 9DN
- Tel: 0131 625 1500
- Email: correspondence@audit-scotland.gov.uk
- Website: www.audit-scotland.gov.uk

The Auditor General for Scotland about the proper conduct of public businesses in Scotland, including value for money, fraud and corruption in relation to the provision of public services in Scotland.

- The Auditor General for Scotland Audit Scotland
102 West Port
Edinburgh
EH3 9DN
- Tel: 0131 625 1500
- Email: correspondence@audit-scotland.gov.uk
- Website: www.audit-scotland.gov.uk

Audit Scotland about the proper conduct of public businesses in Scotland, including value for money, fraud and corruption in public bodies in Scotland.

- The Chief Operating Officer Audit Scotland

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102 West Port
Edinburgh
EH3 9DN

- Tel: 0131 625 1500
- Email: correspondence@audit-scotland.gov.uk
- Website: www.audit-scotland.gov.uk

Commissioner for Ethical Standards in Public Life in Scotland about breaches by a councillor or a member of a devolved public body of the code of conduct applicable to that councillor or member in Scotland.

- Commissioner for Ethical Standards in Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE
- Tel: 0300 011 0550
- Email: investigations@ethicalstandards.org.uk

The Lord Advocate, Scotland about serious or complex fraud in Scotland.

- The Head of the Serious and Organised Crime Division
Crown Office
25 Chambers Street
Edinburgh
EH1 1LA
- Tel: 08445 614061
- Email: SOCDADMINEast@copfs.gsi.gov.uk

The Scottish Information Commissioner about compliance with the requirement of legislation relating to freedom of information in Scotland.

- Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS
- Tel: 01344 464610
- Email: enquiries@itspublicknowledge.info
- Website: www.itspublicknowledge.info

The Scottish Environment Protection Agency about acts or omissions which have an actual or potential effect on the environment or the management or regulation of

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the environment, including those relating to flood warning systems and systems and pollution in Scotland.

- Customer Service Scottish Environment Protection Agency
Erskine Court Castle Business Park
Stirling
FK9 4TR
- Tel: 08456 124 124
- Email: CustomerServices@sepa.org.uk
- Website: www.sepa.org.uk

The Health and Safety Executive about matters relating to those industries and work activities for which the Health and Safety Executive is the enforcing authority under the [Health and Safety \(Enforcing Authority\) Regulations \(1998\)](#) and which are about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

- Health and Safety Executive
- Tel: 0300 003 1647
- Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm>
- Website: www.hse.gov.uk

Revenue Scotland about the administration of the devolved taxes in Scotland, (Land and Buildings Transaction Tax, and Scottish Landfill Tax)

- Revenue Scotland
Victoria Quay
Edinburgh,
EH6 6QQ
- Email: info@revenue.scot
- Website: www.revenue.scot

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Options for Reporting Concerns

Option One

If you have a concern, raise it first with your manager.

This can be done verbally or in writing.

Option Two

If you feel unable to raise the matter with your manager, for whatever reason, raise the matter with any of the following:

- Local Commander/Division or Department Heads
- Director of People and Development
- Head of Anti-Corruption Unit/Head of Professional Standards Unit
- Report your concern via [Integrity Matters](#)

Option Three

If these options have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of those listed above, you can contact the Policing Values and Professional Ethics Unit.

Option Four

Should you feel that the matter you are concerned about is so serious it cannot be discussed with anyone within policing then there is an opportunity to raise the matter directly with one of the 'prescribed persons' set out in Appendix 'E' of this guidance.

Alternatively, if you are a member of police staff, you have the opportunity to report your concerns directly to [Scottish Government Sponsor Team](#).

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Minute of Scottish Police Authority Board Meeting

Meeting	Scottish Police Authority Board Meeting PUBLIC SESSION	Date/Venue	Wednesday 25 May 2017, Dalmarnock, Glasgow.
Meeting Called By	Andrew Flanagan, Chair	Start Time	13:00
Meeting Ref No	SPABM-250517	End Time	15:30

Members Present		In Attendance	
Name	Title	Name	Title
Andrew Flanagan	Chair	Philip Gormley	Chief Constable, Police Scotland
Graham Houston	Authority Member	James Gray	Interim Chief Financial Officer, Police Scotland
David Hume	Authority Member	John Foley	Chief Executive, SPA
Robin McGill	Authority Member	Catherine MacIntyre	Head of Business Services, SPA
Nicola Marchant	Authority Member	Tom Nelson	Director, SPA
Elaine Wilkinson	Authority Member	Tom McMahon	Director, SPA
George Graham	Authority Member		
Caroline Stuart	Authority Member		
Matt Smith	Authority Member		
Grant Macrae	Authority Member		

1.1 Chair's Opening Remarks (Andrew Flanagan)

1.1.1 The Chair welcomed Members and attendees and advised that following security advice, the meeting was being held at a police facility, due to the increased UK threat level. The Chair offered condolences to the victims, friends and relatives who were currently going through unimaginable sorrow following recent events in Manchester. The Chair also recognised the bravery and exceptional service that the emergency services provided.

1.1.2 The Chair advised, that following consultation with the Chief Constable, he had suggested that senior police officers should rightly be addressing other priorities following the terror attack in Manchester. Nevertheless, the Chief Constable was keen to attend the meeting to inform the Authority of the implications of the threat level and the steps that Police Scotland were taking. The Chief Constable would then be returning to operational matters and, as a result, the agenda for the meeting would be adjusted accordingly.

1.1.3 The Chief Constable informed Members that following the terrorist attack, Police Scotland had been putting in place contingency plans and mobilising a range of responses across Scotland which had all been prepared, pre-planned and resourced in the anticipation of this sort of event. In order to both to protect Scotland and support colleagues across the UK, there had been an uplift in armed officers, with officers being deployed to a number of sites, mainly railway stations and public gathering points.

1.1.4 Following the increased UK threat level, the Chief Constable had attended a Scottish Government resilience room meeting to review what the increase meant for Police Scotland, other emergency services and the public in Scotland. Following that meeting, a Multi-Agency Coordinating Centre (MACC) meeting had taken place which is a tried and tested response bringing together all of the First Responders, military liaison and Scottish Government Liaison into one location at Govan.

1.1.5 The Chief Constable advised that Police Scotland had been looking at public events over the next 14 days and highlighted what those significant events were to Members. The Chief Constable was confident that the processes in place would provide a safe and secure environment for those events to take place and noted that there would be an increased armed presence.

1.1.6 Members were also briefed about Operation Temperer which was the provision of Military support to Civil Authorities. This would be taken forward on a tiered approach with military personnel taking over guarding responsibilities at various locations across Scotland. However, at the current time, the Chief Constable was confident about the overall resilience and capability of a single national force such as Police Scotland.

1.1.7 The Chief Constable also confirmed that Police Scotland had not detected any increase of tensions within communities or in hate crime. The Chief Constable advised that business as usual continued and that Police Scotland were still deploying to address the normal range of threats and issues that confronted Scotland on a daily basis.

1.1.8 The Chief Constable also commented on a number of other important points, including:

- 41 people from Scotland had been present at the event in Manchester and identified as witnesses.
- Following the attack, Police Scotland (with British Transport Police) were able to mobilise to train stations and airports to offer support to those returning from the event, as well as seeking witnesses.

The Chief Constable then referred to Eilidh MacLeod from Barra who had sadly lost her life and conveyed Police Scotland's deepest sympathies to her family.

1.1.9 The Chief Constable concluded by saying that Police Scotland had responded in a professional way and that he was immensely proud of both police staff and police officers.

1.1.10 The Chair thanked the Chief Constable for his briefing and asked if there were any resources required that Police Scotland did not have available. The Chief Constable confirmed that Police Scotland currently had adequate resources and, although the Chief Constable did not anticipate asking for resources, Police Scotland could call upon other UK police forces if the situation changed.

1.1.11 Matt Smith (MSmith) referred to community tension and asked if this was something that you would normally expect to increase in these circumstances. The Chief Constable advised that Scotland had not seen increases that other parts of the UK were experiencing, but this could change depending on what developed from the circumstances around the attack itself. However, a significant amount of work was being done by local policing teams and the situation was being kept under review.

1.1.12 The Chair thanked the Chief Constable for attending.

The Chief Constable withdrew from the meeting.

1.1.13 Turning to the agenda, the Chair advised that due to the absence of senior police officers the following items of business would not be addressed at this meeting and would be deferred to an additional Public Session meeting to take place on 7 June 2017:

- Item 8 – Chief Constable's Report
- Item 9.1 – Focus on Sexual Crime

- Item 9.2 – Performance Summary Report Quarter 4
- Item 10 – SPA Strategic Delivery Review
- Item 13 – Police Scotland Contact Command and Control Progress Update

1.1.14 The Chair also advised that the presenter for some of the other items of business would be different from that indicated on the agenda.

1.1.15 The Chair then welcomed new Board Members Caroline Stuart, Matt Smith and Grant Macrae to their first SPA Board Meeting. The Chair advised that the fourth new SPA Board Member, Robert Hayes, would take up his appointment on 5 June 2017. The Chair also noted that Grant Macrae would be leaving the meeting at 14:30 due to a previous business commitment.

1.2 Apologies (Andrew Flanagan)

1.2.1 Apologies were received from SPA Board Member Iain Whyte.

1.3 Declarations of Interest (Andrew Flanagan)

1.3.1 There were no Declarations of Interest.

1.4 Any Other Business (Andrew Flanagan)

1.4.1 There was no other business raised by Members.

2 Minute and Actions from previous meeting: (Andrew Flanagan)

2.1 Minute of Board Meeting Held on 22 March 2017

2.1.1 The Minute of the Board Meeting held on 22 March 2017 was **APPROVED** as an accurate record of proceedings.

2.2 Rolling Action Log

2.2.1 The Chair referred Members to the updated action log and asked if they would be content to defer approval of the action log until the meeting on 7 June 2017 meeting. This would afford Police Scotland the opportunity to comment on the proposed handling of the actions.

2.2.2 Members **AGREED** to defer approval of the Action Log until 7 June 2017.

2.2.3 In the meantime, in reference to 240217-SPABM-014, GHouston advised members that the CCU Reference Group met. At the meeting, the Police Scotland and SPA Whistleblowing Policies were presented and endorsed by Reference Group members.

3 MATTERS ARISING

3.1 There were no other significant matters arising from the previous minute that did not feature on the agenda.

4. Business Conducted Since Last Meeting 22 March 2017 (Andrew Flanagan)

4.1 The Chair confirmed the recruitment of James Gray from Interim to permanent Chief Financial Officer and Jude Helliker as the new HR Director. The Chair advised that Jude Helliker was bringing both an HR and Policing background to her new role. The Chair advised Members of the new appointment of Nelson Telfer as Assistant Chief Constable and noted that it was an internal recruitment.

5. Financial Report – Indicative Year End Outturn (James Gray)

5.1 James Gray (JGray) provided the brief report which set out the overall financial position and advised that a more detailed report would be going to the Finance Committee on 1 June 2017. The figures were still unaudited, but not expected to be significantly different post audit.

5.2 Members were provided with a breakdown of the £17.1m overspend for the year and JGray advised that the most significant movement was a reform increase of £4m because of a change to the treatment of certain items by Scottish Government.

5.3 Elaine Wilkinson (EWilkinson) advised that the Finance Committee had not met formally, but the draft report had been considered via correspondence. Further detail on this report would be scrutinised over the next two Committee Meetings in order to understand the changes and any implications that could impact on the 2017/18 financial year.

5.4 RMcGill suggested that the Finance Committee needed to identify why Reform money was not being spent and what plans were in place to close the gap. The Chair said that his understanding was that this was a classification issue and that areas that had previously been considered as Reform, were now not accepted by Scottish Government.

5.5 In light of this, the Chair asked if there were any implications for this year's budget and, if capacity was available, could Police Scotland accelerate spending of Reform in other areas. JGray advised that he would include this information within the paper being presented to the Finance Committee on 1 June.

5.6 The Board noted disappointment that Gartcosh and Trade Union costs had not been approved as an allocation against Reform funding, given the need

for more involvement of Trade Unions in the Modernisation project and asked whether there was an opportunity to go back to Scottish Government on this. JGray advised that at this stage Scottish Government figures were settled. John Foley (JFoley) commented that he shared the Board's view and that he would take the matter up with colleagues in Scottish Government.

250517-SPABM-001: John Foley to address directly with Scottish Government their change to the use of Reform funding (classification) for Trade Union costs in respect of financial year 2016/17.

5.7 The Chair noted that if Scottish Government were firm in their understanding, then the same treatment would apply to 2017/18 which could lead to an overrun in operational budget and overspend in Reform funding. The Chair asked the Finance Committee to investigate this particular issue further.

250517-SPABM-002: Elaine Wilkinson to ensure that the Finance Committee ensure that there was no offset to operational overspends with reform money for 2017/18.

5.8 RMcGill noted that there was an action on David Page to bring forward the pipeline of reform projects in order to identify milestones. The Chair confirmed that a high level implementation plan would be presented at the Board Meeting on the 22 June which would include detail of a series of projects that would be budgeted from Reform funding.

5.9 EWilkinson noted that there was an overspend in one area of Capital that was largely related to ICT and required focus to ensure there were appropriate controls in place. JGray agreed and confirmed it would be included within the paper for 1 June.

250517-SPABM-003: James Gray to ensure that appropriate controls were in place to address the overspend in capital which were largely related to ICT.

5.10 David Hume (DHume) asked JGray to provide the Finance Committee with an update on the Proceeds of Crime Act so that Members had an understanding of Police Scotland's intentions in the immediate years ahead.

250517-SPABM-004: James Gray to provide the Finance Committee with an update on the Proceeds of Crime Act funding and how Police Scotland would be progressing with that for the immediate years ahead.

5.11 Members **NOTED** the Financial Report – Indicative Year End Outturn.

6 2026 Strategy – Serving a Changing Scotland (Tom McMahon)

6.1 Consultation Process Update

6.1.1 The Chair welcomed Tom McMahon (TMcMahon) and advised that he would be presenting the paper David Page's absence. The Chair congratulated TMcMahon on appointment to his new role within Police Scotland which he would commence on 1 June 2017.

6.1.2 TMcMahon provided Board Members with a summary of the Policing 2026 strategy consultation and feedback which included the following key points:

- i) The extensive consultation process associated with Policing 2026 was launched on 27 February and closed on 8 May. However, due to local government elections, this was extended to local government responders until 29 May 2017.
- ii) Consultation responses would be published around the same time as the final strategy document. Each individual response would be published and also grouped to allow assessment
- iii) Responses indicated that the strategic objectives had a strong endorsement and that the organisation needed to be reshaped.
- iv) The importance of continually engaging with individuals and organisations to ensure their involvement in the implementation of the strategy.

6.1.3 Members considered more of the detail within responses and noted certain areas within the strategy where greater emphasis or clearer articulation was required as a result of the consultation. However, the Board noted that overall the consultation had confirmed that the 2026 strategy was taking Police Scotland in the right direction. TMcMahon advised that one of the key measures of success within the new strategic performance framework would be around public confidence. The Chair reminded Members that a paper around public confidence was scheduled to come to the August Board Meeting.

6.1.4 The Chair then referred to the extensive amount of work that had been carried out within local policing on local engagement and, although this may not be a formal response as such, there should be a way of capturing it. TMcMahon confirmed that at local level 2026 had become a platform for having dialogue about what the future looked like and this was being captured by local commanders at local scrutiny committees.

6.1.5 Other areas that Members considered needed more emphasis / be more explicit included rural policing and cybercrime where there was a need to ensure that the public understood action taken by Police Scotland to safeguard against this sort of crime.

6.1.6 DHume referred to local authority engagement and asked what could be done to obtain a higher representation of views from local government bodies.

TMcMahon advised that Police Scotland was confident that more responses would be received before 29 May closing date and that there was ongoing dialogue with local authorities

6.2 Development of Implementation Plan (Tom McMahon)

6.2.1 TMcMahon advised that the final draft of the strategy would be submitted to Scottish Government in June 2017 and noted that a portfolio was in development which contains the range of projects that will be taken forward to fulfil the strategic objectives identified within the strategy.

6.2.2 Members commented on the need to see action in relation to the implementation plan. The Chair agreed, but cautioned Members on the need to be measured about what is achievable in the first year.

250517-SPABM-005: Tom McMahon to ensure that comments made by Board Members are considered and where appropriate incorporated into the final draft of the strategy.

7. SPA Corporate Governance Framework – Recommendations for Early Revision (Andrew Flanagan)

7.1 The Chair presented the paper and noted what had been achieved in terms of progress.

7.2 The Chair said there had been many improvements over recent months, including information flow between the Authority and Police Scotland. The End Project Report which would come to the Board on 22 June 2017 would provide a structured assessment of progress against the implementation plan which had been approved by the Board in June 2016. The Chair confirmed that DHume would conduct a review of how the recommendations were working in practice, taking into consideration the findings of the HMICS Review with the aim of reporting back to the Board at its August Meeting.

7.3 The Chair noted that a discussion had taken place at the Board Meeting on 22 March around the holding of committee meetings in private. However, since then public concern had increased and the Chair agreed that it was important to address those concerns earlier by proposing further recommendations to address the handling of Committee meetings in public and the publication of papers ahead of both public session Committee and Board meetings going forward. The Chair advised that he had also made the suggestion about the appointment of a Deputy Chair, and in anticipation of that John Foley had opened up a nomination process for that role.

7.4 The Chair took members through the 4 recommendations detailed within the paper and opened up to Board Members for questions or comments.

7.5 Members discussed the recommendations in detail and noted the following points:

- i) Monitoring and assurance of the Resolution Policy and respective responsibility of the Policing and Audit Committee.
- ii) Board support for key stakeholders to be involved in Committee discussions as it assisted with providing informed recommendations to the Board.
- iii) A mechanism for members of the public to raise questions or comments on agenda items/papers that would go to the CEO for consideration prior to a public session Board meeting.

7.6 GHouston accepted the recommendations, but noted that a very clear governance approach had been set out and agreed by both Members and the Cabinet Secretary. As a founder Board Member, GHouston added that the intention had always been to be transparent and publish the agenda and papers in advance.

7.7 RMcGill echoed Members' comments and added that Board Members required to be effective with their time. The Board agenda needed to be reviewed with fewer items coming forward for noting and more substantive discussion at Board meetings.

7.8 The Chair said that he agreed with the points that Members were making. However, in terms of the proposed changes, when the Governance Review was written in March 2016, the relationship between Police Scotland and the SPA was different and is now in a much better position. EWilkinson agreed and the closed sessions had allowed a period of maturity and now was the right time to make that shift to Committees meetings in public.

7.9 GGraham referred to Recommendation 1 (Committee Meetings in Public) and reiterated that there still needed to be recognition that there is a place for private conversations with senior staff within Police Scotland. The Chair agreed and said that the letter from the Justice Committee to the Cabinet Secretary had acknowledged that there would be a need for discussions in private.

250517-SPABM-006: The SPA to review the Board's decisions to ensure that there was consistency in implementation across the Committees and Board and that processes are operating effectively.

7.10 Members discussed the process for determining which items should be taken in closed session and the potential for further strengthening of the rationales. It was concluded that the Chief Executive could provide advice around the definitions, but there was a responsibility on each Committee Chair to

challenge items proposed for closed session, with the default starting point always being public session.

7.11 Other points discussed and agreed, included:

- i) Publication of papers no less than 3 working days before Board and Committee meetings, but Members also recognised that this depended on the timely submission of final Board papers to the Authority.
- ii) There was a need for those submitting papers to have a clear understanding of deadlines which should then be enforced by strict discipline.
- iii) SPA and Police Scotland needed to work together to plan and apply a higher quality standard to the overall process.

250517-SPABM-007: The SPA to arrange a meeting with Police Scotland to review the Board and Committee processes and work together to plan and apply a higher quality standard to the overall process.

7.12 The Chair asked Members if they were content to accept the recommendations. Members **APPROVED** recommendations 1-4.

7.13 The Chair then turned to the appointment of a Deputy Chair and asked the SPA Chief Executive to report on the conclusions of that of the nominations process referred to earlier. JFoley advised that he had sought nominations from Board Members and the consensus was unanimous that Nicola Marchant should be offered the post of Deputy Chair. The Chair asked and NMarchant confirmed that she was happy to accept the appointment.

11. SPA Forensic Services (Tom Nelson)

11.1 SPA Forensic Services Performance Report

11.1.2 Tom Nelson (TNelson) presented the report and noted that there was only one Business Plan Deliverable outstanding; this related to the establishment of a Programme Management Office (PMO) for Forensic Services. Members noted that in line with a previous Board action, this had been taken forward along with David Page from Police Scotland and an options paper was being developed.

11.1.3 Members received a short update about staff engagement in relation to development of the Forensic Services 2026 strategy. TNelson had been encouraged by staff engagement and noted that a stakeholder event was planned for 9 June, with a report planned for the August meeting of the Management Advisory Group.

11.1.4 TNelson also commented that the next Performance Report would be in a new format and would include performance in relation to packages of work. This

would provide a better reflection of the work undertaken by Forensic Services and highlight where there were challenges.

11.1.5 GGraham asked for some further information on the Biometrics Strategy for Scotland which was waiting Scottish Government decision and also queried the timetable for the CPD Programme for management. TNelson explained that an options paper on the Biometrics Strategy had been developed for Scottish Government and was with Ministers for consideration. A timeline had now been agreed and expected completion was September 2017. Referring to the CPD programme for management, TNelson advised that feedback from staff survey had indicated that more needed to be invested into management training. It had been agreed that this should be given some priority and would commence in September 2017.

11.1.6 NMarchant asked if any work had been done on costing of an implementation plan for the Biometrics strategy. Members noted that costings for implementation had not yet been assessed and that further work was required to be undertaken by the Home Office in order to understand how costs would be passed on to Scotland.

11.1.7 TNelson also referred to the UKAS accreditation and explained that ongoing costs should fall. However, Forensic Services were heavily involved with UKAS and each year more areas were being added to the scope which in turn adds to the cost. TNelson also clarified that there was an 18 month plan in place for Forensic Services to gain accreditation in relation to the Drugs Driving legislation in Scotland which is due to be introduced by 2019. Members also noted that Forensic Services and Police Scotland are developing a joint bid for funding to the Scottish Government to assist with the costs associated with this new legislation.

11.1.8 DHume then asked if consideration had been given to benchmarking Forensic Services against some of the other forensic services within the UK. TNelson explained that each police force in England and Wales recorded information differently which made direct comparison difficult. In addition, forensic services out with Scotland is a private market and there is reluctance to share information. However, there could be potential in considering Ireland and Northern Ireland for benchmarking purposes.

250517-SPABM-008: Tom Nelson to identify the possibility of benchmarking SPA Forensic Services with Ireland and Northern Ireland.

11.1.9 The Chair referred to the new performance report and ask for some further information about how SPA Forensics measured success. TNelson advised that there was a significant challenge around managing the input and output, and this itself did not indicate volume or the complexity of cases.

11.1.10 GGraham commended the staff on the increasing percentage of samples are being recovered at scenes of crime locations.

11.1.11 Members **NOTED** the SPA Forensic Services Performance Report.

11.2 Joint National Forensic Gateway pilot – Update on Evaluation

11.2.1 TNelson provided Members with an update on the progress of the Joint National Forensic Gateway Pilot. Members noted that they had not received sight of any statistics regarding the rejection rates since Autumn 2016 and queried whether there had been any incremental improvement on the 35% rejection rate that had been reported previously. TNelson explained that this was a Police Scotland statistic and he would, therefore, pass the query to Police Scotland colleagues.

250517-SPABM-009: Tom Nelson to approach Police Scotland on the rejection rate and feedback to Members.

11.2.2 The Chair commented that demand versus capacity had been a persistent long term issue and sought clarification on whether the pilot was about trying to balance off competing demands for service, or whether there was a fundamental capacity issue within Forensic Services. TNelson advised that there is an ongoing issue of how demand is addressed and this will form part of the report to the Board in August.

11.2.3 Members **NOTED** the Joint National Forensic Gateway pilot – Update on Evaluation.

12. SPA Corporate Performance Report (John Foley)

12.1 JFoley presented the paper and provided Members with a summary of key points. RMcGill proposed that a balanced scorecard approach to performance reporting would allow Members to see at a glance how the SPA was performing against objectives. JFoley stated that he would take an action to come back to the Board with a proposal.

250517-SPABM-010: John Foley to produce a balanced scorecard to allow Members to see at glance SPA's progress against objectives.

12.2 MSmith commented that he attended the Independent Custody Visiting Conference recently and that he had been impressed by the attendance, experience and commitment of those involved. The Chair agreed it was important to thank those involved on a volunteer basis.

12.3 DHume then referred to information that had been requested previously on the number of children being detained in police custody and asked JFoley to follow up on whether any progress had been made on that matter. The Chair asked that the Policing Committee also follow this up as part of the development of the new Performance Framework and in particular the tracking of children being detained in police custody.

250517-SPABM-011: John Foley to follow up on the progress of obtaining information on the number of children being detained in police custody with Police Scotland. In addition, the Policing Committee that this is included as part of the development of the new Performance Framework and in particular the tracking of children being detained in police custody.

12.4 Members **NOTED** the SPA Corporate Performance Report.

14. British Transport Police Integration (John Foley)

14.1 The Chair advised Board Members that there were a number of complex administrative and organisational issues and that the Board needed to discuss this matter earlier than had been originally envisaged.

14.2 Members noted that the due date for going live was not that far ahead and yet due diligence had not yet commenced. JFoley advised that this was likely to take 2-3 months and that professional support would be required (via procurement) to carry this out. However, there was a good relationship with counterparts within BTPA.

14.3 Other areas of concern included the integration of estates, terms and conditions, pension arrangements and Members questioned when they would receive a timeline setting all of this out. JFoley advised that he believed the integration could be delivered within the timescale, however there would be challenges along the way. Members noted that there was a clear intent not to have detriment to terms and conditions and pensions. There was a pension's workstream within the current Scottish Government programme and work was being done on that to identify what could be offered to staff. Work required to be taken forward in relation to assets and estates within BTPA was in hand. BTPA had asset registers and whilst some will be easier to identify than others, JFoley stated that he had no particular concerns about this. Reference was also made to delivering the transport policing service in Scotland via a service level agreement. JFoley confirmed that this option had been considered, but discounted.

14.4 GHouston queried the complexity of stakeholders and financing and suggested more than 24 months may be required to complete the integration and that, given the foregoing, there was a need for regular reporting on this to come back to the Board.

14.5 The Chair advised the Board that he had spoken with the Chair of BTPA and that he was keen to make a success of the integration and willing to allocate additional resource to ensure that happened. The Chair also added that a couple of new issues had been discussed. The first related to one of the political party manifestos where there was a proposal for the creation of an infrastructure

policing merger which could potentially raise concerns around where the Scottish element of BTP would sit in terms of priorities. The second issue was in relation to the train operators as there issues around BTP's overheads, costs and charges to train operators in England and Wales for their services. The also Chair noted his concerns around systems and whether it would be possible, for example, for Police Scotland to be integrated into BTP systems within the agreed timeframe and questioned the practicality of doing that. The Chair of BTPA had also queried whether there was a need for an independent project office to drive this project forward.

14.6 Members raised a number of other points, including:

- i) Chief Constable would ultimately be accountable for the integration and Police Scotland is already establishing a Transformation Programme office. Police Scotland also has experience of managing assets and commercial contracts. The project should, therefore, be set up as a transformation project within Police Scotland, with appropriate governance and oversight by the Authority.
- ii) The People Committee had growing concerns around the complexity and resourcing required to deliver the integration within the timeline, whilst delivering Modernisation which is a critical project. Members sought assurance that the correct resources would be in place to deliver BTP integration and that it would not adversely impact on the key deliverables that were already in place.
- iii) The Finance Committee had requested plans that set out how due diligence would be taken forward. Members also asked for clarity on where the funding would come from for the additional significant resource in view of the commitment made by the SPA, Police Scotland and Scottish Government to minimise the operating deficit which was forecast for this financial year.

14.7 JFoley confirmed that a business case would be developed for submission to Scottish Government for Reform funding to support the integration project.

14.8 In summary, the Chair said that there were complexities that needed to be managed which may impact on timescales. However, there was a need to take a professional approach to the integration process itself. The Chair asked for this matter to be brought back to the August Board Meeting for a more substantive discussion on BTP integration.

250517-SPABM-012: John Foley to bring forward regular progress reports to the board, first being presented to the August Board to allow a more substantive discussion on the British Transport Police Integration.

15. Whistleblowing Policies:

15.1 SPA Whistleblowing Policy

15.2 Police Scotland Whistleblowing Policy

15.1 The Chair introduced these items and explained that it was important to recognise that both policies were similar with the exception of the escalation route. The Chair advised that prior to the SPA Board Meeting taking place, UNISON had informed the Authority that they were not in favour of two separate policies. During the consultation phase the procedure should have included a communication to UNISON advising that their comments had been considered, but had not been accepted. In the circumstances, the Chair asked Members if they would prefer to defer consideration of the policies until that step had been completed.

15.2 NMarchant advised that at an early stage both policies had been different documents. However, because of the hard work of both SPA and Police Scotland the policies were now aligned, with the only difference being around escalation process. Both policies had been subject to an extensive review within the People Committee who were now recommending approval. NMarchant acknowledged and recognised the concerns made by UNISON and advised that she would be happy to discuss further with them. GHouston agreed and noted that the CCU Reference Group (chaired by GHouston) had spent a great deal of time on both policies, particularly the Police Scotland Policy. GHouston added that there was a wide representation on that Group who were all content to endorse the policies.

250517-SPABM-013: SPA to formally communicate back to the unions and staff associations on the concerns raised by UNISON during the consultation process.

15.3 The Chair asked how reporting on the implementation of the policies would be made and also commented that as they were new policies, review dates needed to be inserted.

15.4 DHume said that the Audit Committee had made requests of both the SPA and Police Scotland to bring back a proposal for the monitoring the key metrics associated with whistleblowing in terms of the delivery and operation of the policies. DHume added that there had also been a request for proposal on the evaluation and review of the policies.

15.5 The Chair asked NMarchant to ensure that the People Committee follows up on the roll out and promotion of both policies and David Hume ensures that the Audit Committee reports back to the Board on the key metrics.

250517-SPABM-014: Nicola Marchant to ensure that the People Committee follows up on the roll out and promotion of both policies and David Hume to ensure the Audit Committee reports back to the Board on the key metrics.

15.6 Members **NOTED** and **APPROVED** both the SPA and Police Scotland Whistleblowing Policies.

16. Annual Reports from Committees 2016/17:

16.1 Audit *(including Audit & Risk to 31 December 2016)*

16.2 Complaints & Conduct *(to 31 December 2016)*

16.3 Finance *(including Finance & Investment to 31 December 2016)*

16.4 People *(including HR & Remuneration to 31 December 2016)*

16.5 Policing *(from 1 January – 31 March 2017)*

16.1 The Chair noted that the reports listed above would be included as part of the Annual Report and Accounts process. Members confirmed that they had no fundamental questions or points to raise.

16.2 Members **NOTED** the Annual Reports from Committees 2016/17.

17. Committee Chairs' Reports: *

17.1 Audit

17.1.1 DHume had no additional comments to add to the report.

17.2 Finance

17.2.1 EWilkinson had no additional comments to add to the report.

17.3 People

17.3.1 NMarchant informed Members about the outcome of the recent Health & Wellbeing deep dive that was carried out by the People Committee and commented on the actions being taken forward.

17.4 Policing

17.4.1 GGraham had no additional comments to add to the report. However, he wished to place on record his appreciation of the support received from Jackie McKelvie, Eleanor Gaw and Deborah Christie in the first few months which has help to develop the Policing Committee's role so that it provides real positivity around performance and the key theme of localism.

17.4.2 The Chair said that as it was a new Committee, it would be useful to hear more about how the Committee was working and what progress was being made and asked GGraham to report on that at a subsequent meeting.

250517-SPABM-015: George Graham to return to the August Board with an update on how the Policing Committee was developing under its new approach.

17.4.3 Members **NOTED** the Committee Chairs' Reports

18. Board Workplan

18.1 The Chair noted that the workplan was still a work in progress. It was, however, beginning to provide a clearer picture for the Board's business in the coming months.

18.2 Members **NOTED** the Board Workplan.

19. AOB

19.1 The Chair acknowledged the success of the SPA business unit team in pulling together the logistics of the meeting on the 25 May at such short notice and thanked them for their efforts.

20. DATE OF NEXT PUBLIC SESSION MEETING *:
Wednesday 7 June 2017, Glasgow.

Consultation Feedback

Name of Policy / Procedure Being Assessed

Whistleblowing Guidance, Version 1.02

Organisation (Only provide one composite return from your organisation)

Name	John Maclean
Title / Position	HR Specialist
Organisation	SPA

Feedback Relating to the Attached Document

Comment / Suggestions (Please refer to relevant section / paragraph of document when commenting)

Communication Strategy

Ensure that the communication strategy

- mitigates incorrect perception that decrease in channels is seen as discouraging the raising of concerns;
- helps individuals and managers to identify what constitutes whistleblowing to ensure the necessary protections are offered even when concerns are raised outwith formal process.

Whistleblowing Champion

- There is no strong view that there should be a whistleblowing champion, however given that this was mentioned in the Internal Audit Review it would be helpful to confirm why this options was progressed into the draft guidance.

Positive Culture

Although some positive benefits of whistleblowing are covered in section 3 of the draft guidance it is proposed that more positive statements could be included within the introduction along the lines of the following (which have been taken from NHS guidance)

- A responsible attitude to whistleblowing helps each org to promote a healthy workplace culture built on openness and accountability. Encouraging staff to raise any serious concern they may have about malpractice or serious risk as early as possible, and responding appropriately, is integral to achieving this. More importantly it will help to deal with a problem before any damage is done.
- It reaps benefits beyond simply detecting malpractice. Importantly it deters wrongdoing and raises the bar on standards and quality.
- It is vital that employers develop an open culture that recognises the potential for staff to make a valuable contribution to the running of public services, and to the protection of the public interest.
- Many concerns will be raised openly with line managers as part of normal day-to-day practice. This guidance should not undermine this.

Definition of Whistleblowing (Section 2.2)

The definition of whistleblowing should clarify that there may be occasions where a grievance could also be defined as whistleblowing (i.e. individual grievance cases in the public interest).

Legislative Reference (Section 5.2)

There is an incorrect reference to the legislation in relation to GDPR. Rather than being GDPR 2018 it should read Data Protection Act 2018.

No Detriment (Section 7.2)

The draft guidance states that 'no detriment shall be suffered by a whistleblower at any point during their employment with Police Scotland'. The legal protection is from detriment 'on the ground' that the person has made a whistleblowing allegation, rather than any and all detriment. If an employee is subject to detriment on a ground other than his/her having made whistleblowing allegations, there will be no contravention of the Whistleblowing Legislation.

Support and Protection from Harassment (Section 7.2)

The heading focuses solely on harassment, which only relates to situations in relation to a protected characteristic. It would be more appropriate to make reference to bullying, harassment and victimisation.

Raising Concerns with Other Bodies (Section 8.2)

The guidance states that protections do not exist if matters are reported to people or bodies not on the list of prescribed bodies. Under the Employment Rights Act (ERA) 1996 there are circumstances where disclosures can be made to the person/bodies not included in the list. However the ERA also states that there is a higher test required to ensure such disclosures are protected. Therefore it is suggested that the guidance takes the opportunity to clarify the requirement for the higher test and what this higher test would be. The higher test includes aspects such as:

- the individual reasonably believing they will be subject to detriment if they disclose to Police Scotland;
- where there is no relevant prescribed body and reasonably believes that evidence will be concealed or destroyed if they disclose to Police Scotland;
- not making the disclosure for the purpose of personal gain; and,
- in all the circumstances of the case, it is reasonable for the individual to make the disclosure.

It is felt that this approach is important to be consistent with the requirements of the ERA.

List of Prescribed Bodies (Appendix)

Given that this list has been updated regularly over the last few years it is proposed that the list is removed from the guidance document and replaced with a link to the relevant website to ensure it always remains accurate.

Single Point of Contact (Section 9.3)

Based on lessons learned within SPA it may be helpful if more detail is provided on the role of the Single Point of Contact (SPOC) in practice. For example, be more clear about what it means to be kept updated (i.e. it is intended that the whistleblower will, subject to data protection and other restrictions, be given details of the findings of the whistleblowing investigation).

Governance (Section 9.8)

It is considered that it would be helpful to confirm the specific committee that a quarterly update is provided with this being included in the document. It is the view of the SPA SMT that the guidance document would need to come to the relevant committee and be approved by the SPA Board prior to publication (as per the process for the original guidance document). It is proposed that discussions take place between the relevant ACC and relevant SPA Director (or appropriate representatives) to finalise the detail of this.

Anonymous Reporting (Section 11)

It is suggested that the section on anonymous reporting should make more of the benefits of individuals identifying themselves (i.e. ability to report on progress to the individual).

SPA Approach

With the first version of the guidance it was decided that SPA would mirror Police Scotland's approach, with minor differences. It is proposed that this principle continues, however consideration will need to be given to the practicality of this if key elements of the SPA feedback are not reflected in the guidance document (e.g. the elements that relate to legal accuracy/requirement).

The SMT considered the appropriateness of SPA staff mirroring the use of the National Gateway unit with a view that this would be a desirable option, provided that there was an appropriate link in to the SPA CEO (or SPA Chair where appropriate). On this basis it may be worth considering whether it would be appropriate to dual brand the document (with the highlighting of occasional differences between both organisations) rather than have two separate and mirroring guidance documents. If this approach was to be implemented then it would be helpful for SPA to have a detailed understanding of the internal National Gateway process to be able to explain to staff what would happen in practice when a concern was raised.

Response / Action Taken by Owning Department

Name	
Rank / Position	
Department / Division	
Response / Comments (Please remark on any changes made as a result of consultation comments above. If no changes made please provide rationale)	

SCOTTISH POLICE
AUTHORITY

Meeting	Audit Committee Public Session
Date	22 January 2018
Location	Pacific Quay, Glasgow
Title of Paper	Police Scotland Whistleblowing Progress Report
Item Number	8.1
Presented By	Chief Superintendent Mark Hargreaves
Recommendation to Members	For Noting
Appendix Attached	No

PURPOSE

The purpose of this paper is to provide the Audit Committee with an overview of Q1 and Q2 referrals to the National Gateway Assessment Unit further to a request regarding the recording and management of "whistleblowing" allegations.

1. BACKGROUND

- 1.1 Following the conclusion of Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) Inspection of the Counter Corruption Unit and in line with the recommendations of that review, a National Gateway Assessment Unit was established within Professional Standards Department (PSD) in February 2017.
- 1.2 This Unit is a single point of contact for all divisions and departments within Police Scotland to make referrals regarding any issues / concerns / allegations involving serving Police Officers or Members of Police Staff.
- 1.3 Once in receipt of referrals submitted, the National Gateway Assessment Unit will make a triage assessment of the referral and carry out any background or intelligence checks that require to be done. Depending on this assessment the referral will be allocated for action to the relevant department e.g. Professional Standards Department, the Anti-Corruption Unit (ACU), back to the originating Division or for progression by National Units such as the Domestic Abuse Task Force.
- 1.4 The establishment of the National Gateway Assessment Unit provides a streamlined and effective structure that allows a holistic operational approach to ACU, PSD and Divisional / Departmental activity.
- 1.5 The remit of the National Gateway Assessment Unit includes assessment of referrals from:
 - Vetting and external forces checks
 - Integrity Matters referrals
 - Notifiable Association assessment
 - Advice and Guidance assessment
 - Officers reports
 - Divisional reports
 - Intelligence reports
 - Crimestoppers
 - Telephone calls
 - Whistleblowing reports.

2. FURTHER DETAIL ON REPORT TOPIC

- 2.1 Between 1st April and 30th September 2017 inclusive a total of 562 referrals have been received at the Gateway Unit.
- 2.2 Referrals to the Gateway Unit can be received from a variety of sources including Integrity Matters, Whistleblowing reports, divisional reports, officer reports, intelligence reports, letters, anonymous reports, Crimestoppers and also direct telephone calls.
- 2.3 Seventy-four (13.16%) of these referrals have been received through the Integrity Matters reporting portal, the majority of which have been made anonymously. To date, no referrals have been received using the bespoke Whistleblowing report forms following the publication of the guidance in June 2017.
- 2.4 The Gateway referrals are categorised on the database iBase as follows:

REFERRAL CATEGORY	Q1 (01/04/2017 to 30/06/2017)	Q2 (01/07/2017 to 30/09/2017)	Total
Abuse of authority	6	23	29
Controlled drug use and supply	6	7	13
Disclosure of information	10	12	22
Inappropriate association	101	137	238
Misuse of force systems	12	6	18
Other (includes, undeclared business interests, staff performance issues, inappropriate relationships on duty, favouritism, manipulation of overtime)	106	88	194
Perverting the course of justice	1	0	1
Sexual misconduct	6	10	16
Theft and fraud	1	3	4
Vulnerability	10	17	27
GRAND TOTAL	259	303	562

2.5 Context

- 2.5.1 Most of the referrals have led to memoranda to divisions to highlight the issues raised and for divisional managers to take further action where appropriate. Examples of this are performance issues being returned to division to address; welfare matters for Divisions (who were previously unsighted) to address; and localised misconduct for consideration after assessment by PSD.
- 2.5.2 Some referrals have led to continued PSD enquiry and ownership, which has on occasion led to criminal investigations.

2.6 Whistleblowing

- 2.6.1 Notwithstanding that there have been no specific reports of "whistleblowing" using the form that supports the guidance published in June 2017, it can be argued that the availability of a number of alternative reporting mechanisms as detailed above demonstrates a confidence of officers and staff to report concerns about the behaviour of others.
- 2.6.2 In addition, the definition of whistleblowing* as per the guidance can present issues regarding subjectivity of quantitative analysis such that it could be argued that some or indeed most of the reports in the table above could in theory be regarded as "whistleblowing".
- 2.6.3 Accordingly, the figures presented in the table above is intended to demonstrate that the existing means for reporting concerns of officers and staff offers reassurance that, regardless of whether a concern can be categorised as whistleblowing, it will be robustly investigated with appropriate and consistent action taken.

**N.B. Definition of whistleblowing as per guidance: "Does it raise issues for 'others' e.g. the organisation, colleagues, clients, or the wider public? If yes, then it is likely to be treated as whistleblowing".*

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

Audit Committee Public Session
Police Scotland Whistleblowing Progress Report
22 January 2018

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper in respect of allegations made against members of Police Scotland.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no equality implications associated with this paper.

RECOMMENDATIONS

Members are requested to note this paper.

NOT PRTOECTIVELY MARKED

Audit Committee Public Session
Police Scotland Whistleblowing Progress Report
22 January 2018

NOT PROTECTIVELY MARKED

Minute of Scottish Police Authority Audit and Risk Committee

Meeting	Scottish Police Authority Audit Committee	Date/Venue	Monday 22 nd January 2018
Meeting Called By	David Hume, Chair	Start Time	10:00
Reference Meeting No	SPAAUDIT-091017 PUBLIC SESSION	End Time	12:05

Members Present		In Attendance	
Name	Title	Name	Title
David Hume	Committee Chair	DCO David Page	Deputy Chief Officer, Police Scotland
Grant Macrae	Authority Member	ACC Alan Speirs	Assistant Chief Constable, Police Scotland
		CS John Paterson	Chief Superintendent, Police Scotland
		CS Mark Hargreaves	Chief Superintendent, Police Scotland
		Supt Mark Lundie	Superintendent, Police Scotland
		Sarah Jane Hannah	Police Scotland
		Martin Leven	Police Scotland
		Fiona Davidson	Police Scotland
		Alice Stewart	Information and Assurance Manager, Police Scotland
		Donna Adam	Police Scotland
		Catherine Topley	SPA
		Kenneth Hogg	Interim Chief Officer, SPA
		Lynne Clark	SPA
		John MacLean	SPA
		Paul Kelly	Scott-Moncrieff
		Helen Berry	Scott-Moncrieff
		Stephen Boyle	Audit Scotland
		Carole Grant	Audit Scotland
		Ali Malik	HMICS

1. Introduction / Welcome: (David Hume)

1.1 Chair's Opening Remarks (David Hume)

1.1 The Chair welcomed ACC Alan Speirs (ACCASpeirs) and Chief Superintendent John Paterson (CSJPaterson) who had recently moved into Audit and Assurance roles within Police Scotland and advised that they would, at times, attend future Audit Committees.

1.2 Apologies

1.2 Apologies were received from Gary Devlin.

1.3 Declarations of Interest:

1.3 There were no declarations of interest.

1.4 Any other business

1.4 There was no other business.

2. Minute and Actions from previous meeting:

2.1 Minute of Public Committee Meeting held 9 October 2017

2.1.1 Minutes from Audit Committee Meeting held 9 October 2017 were **APPROVED** as an accurate record of proceedings.

2.2 Rolling Action Log

2.2.1 Members discussed action 091017-PAUDIT-010 and agreed this action should remain ongoing until there was a further decision taken between the Chair and Interim Chief Officer on whether or not it was appropriate for all SPA Members to receive a briefing of GDPR.

2.2.2 Members **APPROVED** the action log from 9 October 2017.

3. Matters Arising

3.1 There were no matters arising.

4. Internal Audit Reports: (Helen Berry)

4.1 Follow Up Q3

4.1.1 Helen Berry (HBerry) provided an overview of the report, updating members with progress of actions following submission of the report. HBerry advised that following a previous request, a specific appendix on the Software Developing Testing Actions was now included within the report and confirmed that all actions were now complete.

4.1.2 The Chair noted a lack of change within the profile of incomplete actions highlighted within the Q2 Report, particularly in relation to ICT Service Delivery and Business Continuity Planning and asked why that area was proving difficult, particularly within the SPA. HBerry advised that work had been carried out however, Scott-Moncrieff were yet to have sight of the supporting documentation to allow them to carry out the validation and close actions.

4.1.3 The Chair noted concerns around the lack of timescales and updates to ICT Service Delivery. Donna Adam (DAdam) confirmed that updates had been received but not in time for the submission of the report by Scott-Moncrieff and advised that focus had been given to the quality of updates being provided. Martin Leven (MLeven) advised that the ICT Department remained fully committed with movement expected in the New Year.

4.1.4 Members noted concerns around expired dates applied to higher grade actions and advised that revised dates would be helpful to members. DAdam advised that revised dates had been received and would be circulated for Members information.

220118-PAUDIT-001: Donna Adam to provide the revised dates for higher graded actions noted within Appendix 2 of Follow Up Q3 Report.

4.1.5 The Chair asked David Page (DPage) to ensure that the Q4 Report reflected a timescale and appropriate update in relation to Budget Setting (Page 12 of the report). The Chair noted the importance of there being a strong management focus on the completion of actions.

220118-PAUDIT-002: David Page to ensure that an update and timescale is provided within the Q4 Follow Up Report in relation to Budget Setting.

4.1.6 Members **NOTED** the Follow Up Q3.

4.2 Internal Audit Progress Report

4.2.1 HBerry provided an overview of the report. Members sought assurance that July 2018 was an achievable date against British Transport Police Project Governance. HBerry assured members that the date was achievable.

4.2.2 Members **NOTED** the Internal Audit Progress Report

4.3 Draft Internal Audit Plan 2018/19

4.3.1 HBerry provided the report and advised that Scott-Moncrieff were continuing to work on the production of the plan to ensure a plan was in place for the beginning of the financial year. HBerry proposed that when the next draft of the plan came forward to the committee for approval it would be appropriate to approve a plan for quarter one. Members advised that they would be content to have a plan which met the needs of the committee for the year ahead despite the current tendering process for internal audit. The Chair noted that the plan would be based on 500 audit days reflecting the current plan.

4.3.2 HBerry took Members through the Strategic Internal Audit Plan 2016/17 – 2018/19. Members referred to audit area B.5 (Governance) and sought clarity on whether there should be a wider regard to SPA Governance within that. Kenneth Hogg (KHogg) welcomed the consideration on the basis that a discussion could take place around the timing of that. The Chair asked HBerry to reflect and comment on the proposed design of the SPA Governance and the phasing of that. Lynne Clark (LClark) and Graham Stickle (GStickle) advised that during this reflection consideration should be given to the following:-

- HMICS recommendations.
- SPA/PS/Forensics Joint Working Action Plan.

220118-PAUDIT-003: Helen Berry to reflect and comment on the proposed design of the SPA Governance and the phasing of that whilst taking into consideration HMICS recommendations and SPA/PS/Forensics Joint Working Action Plan.

4.3.3 Members asked for some consideration of the following points to be included within the plan:

- Relocation Costs - Ensuring that there were proper processes in place.
- Tendering Processes – Ensuring that procurement were adhering to best practise.

220118-PAUDIT-004: Helen Berry to consider Relocation costs (ensuring proper processes are in place) and tendering processes (ensuring that procurement were adhering to best practise) as part of the Internal Audit Plan for 2018/19.

4.3.4 Members sought clarity on how the Audit Committee could be assured that the audit areas being covered by HMICS were being addressed. DAdam advised that all actions are

included within the Improvement Tracker and further assured members that an action plan would be attached to a future progress report on the implementation of actions.

4.3.5 The Chair asked H Berry to include a small component within the Governance element on page 10 which would look at the governance of the Audit Committee and how that would integrate with Police Scotland's new governance arrangements to avoid future conflict or confusion.

220118-PAUDIT-005: Helen Berry to include a small component within the Governance element on page 10 of the report which noted the governance of the Audit Committee and how that would integrate with Police Scotland's new governance arrangements to avoid future conflict or confusion.

4.3.6 Members highlighted an inconsistency between appendix 2 and 3 and asked that the risk rating of 'current' and 'target' rating was applied to both appendices.

220118-PAUDIT-006: Helen Berry to ensure consistency between appendix 2 and appendix 3 by having the risk rating of 'current' and 'target' applied to both appendices.

4.3.7 Members **NOTED** the Draft Internal Audit Plan 2018/19.

5. SPA and Police Scotland Financial Regulations (*Verbal*)

5.1 Sarah Jane Hannah (SJHannah) provided a brief verbal update and advised that no instances of non-compliance had been detected with the Financial Regulations, however, they did require to be updated and presented to the Finance Committee. SJHannah added that Police Scotland intended on having a training programme within finance to ensure that staff within the purchasing and finance section of the business were adhering to the Financial Regulations. Members agreed that it would be beneficial for the Audit Committee to have a further deep dive following the training programme to the April Committee to understand how the Financial Regulations were being imbedded.

5.2 Members advised that following the recent Section 22 Report it would be useful to have an appendix which showed the threshold and limit of authority of an individual and what required SPA Board approval. Members also asked for the wording around paragraph 2.2.5 and 4.8 to be more consistent.

5.3 Stephen Boyle (SBoyle) advised that it would be beneficial to have a section on the use of consultants and professional services, particularly due to the volume of change the SPA and Police Scotland were going through.

220118-PAUDIT-007: James Gray and Sarah Jane Hannah to Return to the Audit Committee and provide the following:

- **Include an appendix which informs of the threshold and limit of authority of an individual and what is required for SPA Board approval.**
- **Reflect and amend on the wording of 2.2.5 and 4.8 to ensure they are more consistent with each other.**
- **Include a section on the use of consultants and professional services, particularly due to the volume of change the SPA and Police Scotland were going through.**

220118-PAUDIT-008: James Gray and Sarah Jane Hannah to return to the Audit Committee and provide Assurance that Financial Regulations are being properly imbedded following the intended training programme for purchasing and finance staff.

5.4 KHogg advised that he would like to give some thought to the wording provided within paragraph 2.6 and 2.7.

220118-PAUDIT-009: Kenneth Hogg to reflect on the wording of paragraph 2.6 and 2.7 of the Financial Regulations to ensure he is content with the information being provided.

5.5 Members **NOTED** the SPA and Police Scotland Financial Regulations.

6. Audit Committee Self-Assessment (James Gray)

6.1 The Chair provided a brief overview of the report and GStickle advised that what had been presented was a summary of feedback received.

6.2 The Chair asked committee attendees to review the summary responses and submit comments back to GStickle with a view to return to the March Audit Committee with a clear set of actions to address some of the weaknesses identified and going forward there was a year's Improvement Plan in place.

220118-PAUDIT-010: Audit Committee attendees to review the summary responses and submit comments back to Graham Stickle ahead of the Audit Committee on 16th April 2018.

6.3 Members **NOTED** the Audit Committee Self-Assessment.

7. Police Scotland Audit and Improvement Recommendations Process (Donna Adam)

7.1 DAdam provided an overview of the report and addressed the main priorities. ACC Alan Speirs advised that he would oversee this and further assured members that a significant degree of focus would be provided to this area of work. Members were reassured by the structured approach being applied to all of the recommendations.

7.2 Members **NOTED** the Police Scotland Audit and Improvement Recommendations Process.

Whistleblowing:

8.1 Police Scotland Whistleblowing Progress Report

8.1.1 Chief Superintendent Mark Hargreaves (CSuptMHargreaves) provided an overview of the report. Members took the view that the report was a good start, however, as this was a new scheme, asked for thought to be given to whether or not there were other statistics that could be provided in terms of items dealt and disposed with. ACC Alan Speirs (ACCASpeirs) advised that this work formed part of a larger report which Police Scotland would produce on a regular basis and look towards publishing and advised that the Complaints and Conduct Committee may be another route to highlight where Police Scotland were in terms of the process. ACCASpeirs advised that what had been demonstrated was that there are a range of measures in place which allow staff to report in different ways. ACCASpeirs advised that this

matter would be further addressed by HMICS early this year as part of an external review. Members were keen to be assured that there was a system in place, that it was working effectively and continuously reviewed.

8.1.2 Members were provided with a clearer understanding around the inappropriate associations and advised that it highlighted that the guidance being provided was effective.

8.1.3 The Chair asked that following a review of the system and changes applied by Police Scotland, a fuller report to come back to the April Audit Committee with further consideration to further forms of quantitative assurance.

220118-PAUDIT-011: Chief Superintendent Mark Hargreaves to bring forward a developed report following a review of the system and changes applied by Police Scotland, giving further consideration to further forms of quantitative assurance.

8.1.4 Members **NOTED** the Police Scotland Whistleblowing Progress Report.

8.2 SPA Whistleblowing Progress Report

8.2.1 John MacLean (JMaclean) provided an overview of the report of which the approach to reporting of whistleblowing was formed following a meeting with Internal Audit. JMacLean advised that the report focused on lessons learned and trend analysis due to the limited numbers given the size of the SPA as an organisation. JMacLean advised that the advice from Internal Audit was to provide an annual update to the Audit Committee.

8.2.2 Members agreed that the SPA report would differ from the Police Scotland report, however, advised that the Audit Committee still required the same assurance as being sought from Police Scotland. Members discussed the frequency of reporting and agreed that an annual report should be brought forward to the Audit Committee. In addition, any instances of whistleblowing allegations made in the interim, there is an expectation for a quarterly report.

220118-PAUDIT-012: John MacLean to bring forward an annual summary report which provides assurance that there is an effective system in place. In addition inform the Committee Chair on a quarterly basis on instances of whistleblowing allegations.

8.2.3 Members **NOTED** the SPA Whistleblowing Progress Report.

9. General Data Protection Regulation (GDPR):

9.1 SPA and Police Scotland GDPR Additional Preparedness

9.1.1 Paul Kelly (PKelly) provided an overview of the report and advised that the information provided separated SPA Corporate and Forensics from Police Scotland preparedness. PKelly advised that SPA had been advised to handle this as a project and not a business as usual activity, to ensure governance steps were involved. PKelly advised that Police Scotland had established a project to manage the necessary change, however, had recognised that they would not be compliant with GDPR by May 2018. It is the intention of Police Scotland to have a compliant framework in place, however, no risk assessment was in

place and PKelly noted the importance of having a risk assessed to demonstrate to the Information Commissioner.

9.1.2 Catherine Topley (CTopley) provided an update in respect of the SPA position to GDPR and acknowledge the position provided by Internal Audit. CTopley advised that recruitment for the field had reached interview stage and work was being done with Police Scotland to ensure appropriate procurement processes were in place. Early discussions with the legal team had highlighted that SPA had made progress within various areas which had reduced concerns. CTopley advised that she had no concerns around the compliance of process, however, did hold concerns on the ownership of systems and information. CTopley advised that the SPA had moved into project management mode with several work streams running from the project which will be bedded out with terms of reference and key deliverables associated with them.

9.1.3 Colette Sherry (CSherry) advised that there were a lot of procurement requirements coming forward to Police Scotland at the moment and advised that needed to be managed. DPage added that in addition, operational procurements also required consideration. CTopley noted the importance of not allowing resource issues become a factor of not being legally compliant. CSherry cautioned the SPA on having meetings with only 1 legal supplier.

9.1.5 Alice Stewart (AStewart) advised that the findings of the Internal Audit report in terms of Police Scotland preparedness were expected, however, Police Scotland had moved forward since the time of the audit in terms of recommendations. Superintendent Mark Lundie agreed that there were significant challenges ahead however, Police Scotland had been open and transparent around those challenges.

9.1.6 Members sought clarity on who was providing the legal advice on the matter of legacy systems and what an alternative plan would be in order to bring those systems up to the standards required by legislation. SuptMLundie advised that due to the number of activities in place to mitigate that risk there was no alternative plan in place. ACCASpeirs advised that he had asked IT to return to him with an assessment of tier 1 systems to allow further risk assessments to take place and allow prioritisation on areas to take place. SuptMLundie advised that legal advice was being sought independent from Police Scotland in order to provide further assurance to members.

9.1.7 Members noted clear challenges ahead and asked DPage and KHogg to provide the Audit Committee Members with a progress report against the management actions every 2 weeks in respect of the SPA and Police Scotland's preparedness for GDPR. This progress report should include consideration of a Plan B following advice from legal.

220118-PAUDIT-013: David Page and Kenneth Hogg to provide Audit Committee Members with a progress report against the management actions every 2 weeks in respect of the SPA and Police Scotland's preparedness for GDPR. This progress report should include consideration of a Plan B following advice from legal.

9.1.8 Members asked KHogg to give some consideration to how SPA Members could be fully informed on the implications associated with GDPR.

220118-PAUDIT-014: Kenneth Hogg to give some consideration to how SPA Members could be fully informed on the implications associated with GDPR.

9.1.9 Members **NOTED** the SPA and Police Scotland GDPR Additional Preparedness.

9.2 Data Protection Overview

9.2.1 DPage provided a brief overview of the report which highlighted the Framework of Data Protection, roles and responsibilities. DPage advised that as part of his new role ACC Alan Speirs was the SIRO for Police Scotland.

9.2.2 Members **NOTED** the Data Protection Overview.

9.3 General Data Protection Regulation (GDPR) Police Scotland Preparedness (Chief Superintendent Mark Hargreaves)

9.3.1 Members agreed that issues from this report had been addressed within Item 9.1.

9.3.2 Members **NOTED** the report on General Data Protection Regulation (GDPR) Police Scotland Preparedness.

9.4 General Data Protection Regulation (GDPR) SPA Preparedness (Catherine Topley)

9.4.1 Members agreed that issues from this report had been addressed within Item 9.1.

9.4.2 Members **NOTED** the report on General Data Protection Regulation (GDPR) SPA Preparedness.

10. External Audit Reports:

10.1 Audit Scotland 2016/17 Annual Audit Report to Members and the Auditor General for Scotland

10.1.1 The Chair sought clarity from DAdam that the management actions from the 2016/17 Annual Audit Report had been captured within the Improvement Tracker and that regular progress reports would be brought to the committee on the delivery of those actions. DAdam confirmed that all actions from Internal and External Audit are added to the tracker and that she will provide further updates on those actions.

10.1.2 The Chair asked for a design and implementation operation of a best value test to be applied to senior officer exit packages that could be considered as part of any options appraisal for civilian, SPA and Police Scotland staff.

220118-PAUDIT-015: Kenneth Hogg and David Page to include, within management action 4 (Appendix 1), a design and implementation operation of a best value test to be applied to senior officer exit packages that could be considered as part of any options appraisal. (Civilian SPA and Police Scotland staff).

10.1.3 Members **NOTED** the update on the Audit Scotland 2016/17 Annual Audit Report.

10.2 Auditor General's Section 22 Report

10.2.1 Stephen Boyle (SBoyle) advised Members that he and other Audit Scotland colleagues joined the Auditor General for Scotland at the Public Audit Post Legislative Scrutiny Committee on the 21st December to brief them on the Section 22 Report. The main focus of interest was around relocation expenses and arrangements for the previous Chief Executive Officer from the SPA. Further evidence on these matters will be addressed at the same committee on the 25th January 2018.

10.2.2 Members **NOTED** the update on the Auditor General's Section 22 Report.

11. Improvement Trackers:

11.1 Police Scotland Improvement Tracker

11.1.1 DAdam provided an overview of the report which was more comprehensive than previously reported due to providing summaries of outcomes of closed actions and summary of new actions/recommendations. DPage advised that the report required further development but had been slowed due to resourcing issues and advised that it would take time to wash through legacy issues. DPage advised that there was a clear focus on actions with Senior Management engagement taking place.

11.1.2 Members discussed whether or not the Audit Committee was the correct level of reporting, particularly around the critical actions. KHogg advised that the Audit Committee was the correct forum for this level of reporting and that the information could be captured within the Committee Chair's Report for the next SPA Board Meeting.

11.1.2 Members **NOTED** the Police Scotland Improvement Tracker.

11.2 SPA Improvement Tracker Progress Update

11.2.1 Lynne Clark (LClark) provided an overview of the report which informed of the process to oversee and manage the recommendations along with current arrangements around governance and assurance and work that was being done within those areas.

11.2.2 Members asked for a fuller articulation of progress against key priorities to be brought forward to the March Committee.

220118-PAUDIT-016: Lynne Clark to bring forward a fuller articulation of progress against key priorities to the March Committee.

11.2.3 KHogg noted the large number of recommendations as a result of audits, of which some date back one year which are being picked up through current improvement actions. KHogg provided additional assurance that actions and recommendations would be placed into current context noting no overlap with previous actions.

11.2.4 Members **NOTED** the SPA Improvement Tracker Progress Update.

12. AOCB

12.1 There were no further items of business.

13. DATE OF NEXT MEETING:

13.1 Tuesday 6th March 2018, Pacific Quay, Glasgow

SCOTTISH POLICE
AUTHORITY

Meeting	Scottish Police Authority Audit Committee
Date	18 April 2018
Location	Scottish Police Authority Headquarters, Pacific Quay, Glasgow
Title of Paper	Police Scotland Whistleblowing Progress Report
Item Number	13.2
Presented By	ACC Alan Speirs, Police Scotland
Recommendation to Members	For Noting
Appendix Attached	Yes Appendix A – Summary of Police Scotland PSD Gateway Unit Referrals 01/04/17-31/03/18

PURPOSE

The purpose of this paper is to provide members with annual figures in terms of referrals to the PSD Gateway Unit, in addition to contextual information regarding action taken in relation to referrals.

Further to the paper submitted to the SPA Audit Committee meeting of 22 January 2018, members requested additional detail on action taken following receipt of referrals, now contained herein.

1. BACKGROUND

- 1.1 Referrals to the Gateway Unit are received from a variety of sources including Integrity Matters, divisional reports, officer reports, letters, anonymous reports, Crimestoppers and also direct telephone calls.
- 1.2 The remit of the National Gateway Assessment Unit includes assessments and referrals from:
- Vetting and external forces checks
 - Integrity Matters Referrals
 - Notifiable Association assessment
 - Advice and Guidance assessment
 - Officers Reports
 - Divisional Reports
 - Crimestoppers
 - Intelligence Reports
 - Telephone calls
 - Whistleblowing.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 Annual PSD Gateway Unit Figures 2017/18

Between 01 April 2017 and 31 March 2018 inclusive a total of 1165 referrals have been received at the Gateway Unit.

205 (17.6%) of these referrals have been received through the Integrity Matters reporting portal.

At the commencement of the Gateway Unit in 2017 a number of 'referral categories' were identified in order to progress the data. The Gateway Unit referrals were thereafter populated on to the iBase database under specific 'referral category' headings and the figures thereafter broken down further. The annual figures from 01 April 2017 until 31 March 2018 are recorded on table below (**See Attached Table – Appendix A**).

It should be noted that there have been no reports received to date using the whistleblowing forms as per the guidance. Members should note that The Whistleblowing Policy & Guidance is currently

being reviewed and will be published following the review. Notwithstanding this, the table as per Appendix A outlines that there is a recognised and appropriate use of the referrals system available to report areas of concern.

2.2 Next Steps – Gateway Unit

As of 01 April 2018 the annual figures 'referral categories' and 'headings' will be broken down further to provide a more comprehensive breakdown of the data. For example, the following headings will also be added to the table;

- Business Interest and Secondary Employment
- Performance
- Social Media

The percentage of Integrity Matter referrals received which are anonymous will also be recorded. Where any trends/patterns are identified with an escalation of particular areas of data being received into Gateway Unit, this information will be highlighted to senior management, with a view to quickly identifying potential issues and any action deemed appropriate.

3. FINANCIAL IMPLICATIONS

There are no financial implications associated with this paper.

4. PERSONNEL IMPLICATIONS

There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

There are reputational implications associated with this paper in respect of allegations made against members of Police Scotland.

7. SOCIAL IMPLICATIONS

There are no social implications associated with this paper.

8. COMMUNITY IMPACT

There are no community impact implications associated with this paper.

9. EQUALITIES IMPLICATIONS

There are no Equalities, Diversity and Human Rights implications on this report.

10. ENVIRONMENT IMPLICATIONS

There are no environmental implications associated with this report.

RECOMMENDATIONS

This report is submitted for the attention of the Audit Committee regarding the progression and disposal of referrals submitted to the National Gateway Assessment Unit following the initial submission to the Audit Committee in January 2018.

Notwithstanding that no formal reports of “whistleblowing” have been made using the process and form outlined in the published guidance, the attached table demonstrates that officers and staff are aware and have the ability to raise concerns to the organisation, which is progressed as per the outcomes in the attached table.

OFFICIAL

Audit Committee
Police Scotland Whistleblowing Progress Report
18 April 2018

OFFICIAL

Minute of Audit Committee

Meeting	Audit Committee	Date/Venue	Wednesday 18 April 2018, Pacific Quay, Glasgow.
Meeting Called By	David Hume, Chair	Start Time	10:05
Reference Meeting No	SPACAUDIT-060318	End Time	14:10

Members Present		In Attendance	
Name	Title	Name	Title
David Hume	Committee Chair	ACC Alan Speirs	Assistant Chief Constable, Police Scotland
Grant Macrae	Authority Member	CS John Paterson	Chief Superintendent, Police Scotland
		James Gray	Chief Financial Officer, Police Scotland
		Donna Adam	Audit Manager, Police Scotland
		Sarah Jane Hannah	Head of Financial Accounting, Police Scotland
		Fiona Davidson	Risk Manager, Police Scotland
		Susan Cook	Strategic Engagement, Police Scotland
		Kenneth Hogg	Interim Chief Officer, SPA
		Graham Stickle	Risk and Policy Specialist, SPA
		Catherine Topley	Director, SPA (item 11 only)
		Lynne Clark	Programme Development Manager, SPA (item 12 only)
		John McLean	Temporary Head of HR Governance, SPA
		Lynsey McNeil	Director of Governance and Assurance, SPA
		Gary Devlin	Relationship Partner, Scott Moncrieff
		Helen Berry	Head of Internal Audit, Scott Moncrieff
		Stephen Boyle	Assistant Director, Audit Scotland
		Carole Grant	Senior Audit Manager, Audit Scotland
		Clare McFadyen	Temporary Committee Co-ordinator, SPA

1. Introduction/Welcome

1.1 Chair's Opening Remarks

1.1 The Chair welcomed attendees to the meeting and thanked them for their attendance at the meeting. It was noted that this would be Sarah Jane Hannah's last meeting and, on behalf of the Committee, the Chairman thanked her for all the work she had undertaken on the Committee's behalf and wished her every success in the future.

1.2 Apologies

1.2 There were no apologies received.

1.3 Declarations of Interest:

1.3 There were no declarations of interest.

1.4 Any other business

1.4.1 The Chair requested that item 7 be considered following on from item 5.7 for continuity of discussions, although the minute would reflect the order of the agenda.

1.4.2 The Chair noted that a separate session on General Data Protection Regulation (GDPR) would take place following the Audit Committee meeting at 14:00pm and that the discussions at item 11 would, therefore, be minimal.

2. Minute and Actions from previous meeting:

2.1 Subject to the amendment of some typographical errors, the minute from the meeting on 9 October 2017 was approved by the Committee **ACTION: 180418-PAUDIT-001**

2.2 It was agreed that more clarity was required round items 5 and 6 of the minute and that the Chair would take this forward with the Committee Co-ordinator. The minute would be brought to the Committee for review and approval on 24 July. **ACTION: 180418-PAUDIT-002**

2.3 The Rolling Action Log was approved by the Committee

3. Matters Arising

3.1 There were no matters arising.

4. Confirmation of Private business for 18 April 2018

4.1 The Chair confirmed the rationale for private business as outlined in the Agenda.

5. External Audit Reports

5.1 Workforce Planning Review

5.1.1 It was noted that this matter would be carried forward to the July meeting of the Committee. **ACTION: 180418-PAUDIT-003**

5.2 HR Management Reporting Review

5.2.1 It was noted that this matter would be carried forward to the July meeting of the Committee. **ACTION: 180418-PAUDIT-003**

5.3 Financial Ledger

5.3.1 Mr Devlin introduced the paper which provided the Committee with outcomes and proposed actions following on from the review of the financial ledger.

5.3.2 The Chair requested that a copy of the Financial Ledger be provided to the Finance Committee, for its information. **ACTION: 180418-PAUDIT-004**

5.3.3 The Committee considered and discussed the paper which had been presented and requested that the Chief Financial Officer of Police Scotland produce a paper outlining the progress made against the recommendations of the Financial Ledger Review. **ACTION: 180418-PAUDIT-005**

5.3.4 The Report was noted by the Committee.

5.4 Risk Management Strategy

5.4.1 It was noted that this matter would be carried forward to the July meeting of the Committee. **ACTION: 180418-PAUDIT-003**

5.5 Q4 Follow Up Report

5.5.1 Ms Berry presented the internal audit follow up report to the Committee which summarised the progress made by management in implementing the agreed management actions for the internal audit recommendations made.

5.5.2 The Committee considered and discussed the paper which had been presented. It was noted that the Chief Financial Officer of Police Scotland produce a paper outlining the progress made against the recommendations of the Financial Ledger Review. **ACTION: 180418-PAUDIT-006**

5.5.3 The Report was noted by the Committee.

5.6 Progress Report

5.6.1 Ms Berry presented the internal audit progress report to the Committee. She highlighted that the report provided a summary of internal audit activity and confirmed the reviews this were planned for the coming quarter.

5.6.2 The report was noted by the Committee.

5.7 Review of Accounts Preparedness

5.7.1 The Committee noted the report which outlined that Police Scotland had adopted a project management approach to the accounts planning work to ensure that there were sufficient controls in place to provide assurance that the production of the 2017/18 accounts would be managed effectively and within the agreed timescales.

5.7.2 It was further noted that the Finance team had committed considerable effort and resources to develop the 2017/18 Annual Report and Accounts project and to support year-end, property plant and equipment timetables. In addition, specific steps had been taken to prevent previous year-end issues from recurring.

5.8 Governance

5.8.1 Ms Berry presented the paper which provided the Committee with a report on the internal audit review of Governance.

5.8.2 Following discussion and review of this paper, it was agreed that consideration would be given as to how best disseminate the information contained in the internal audit Governance Report to the Board. **ACTION: 180418-PAUDIT-007**

5.8.3 The report was noted by the Committee.

6. National Fraud Initiative Lessons Learned

6.1 Ms Hannah presented the report to the Committee which provided an update on the current status of the 2018 National Fraud Initiative.

6.2 The Committee noted the report which had been provided.

7. Annual Reports and Accounts Lessons Learned and Project Plan

7.1 Ms Hannah presented the report to the Committee which provided an update on the approach which had been developed for the production of Police Scotland/Scottish Police Annual Report and Accounts, including examining the key risks involved in producing this report.

7.2 The Committee requested that a reporting log be produced on the progress being made in relation to the timetable which had been produced for the Annual Report and Accounts Lessons Learned. **ACTION: 180418-PAUDIT-008**

8. Technical Update

8.1 Mr Gray provided a verbal update to the Committee and outlined the various technical updates which may affect the published financial results including, but not limited to, the Government's Financial Reporting Manual, Audit Scotland Guidance and guidance from the Financial Reporting Council.

8.2 The update was noted by the Committee.

9. Governance Statements

9.1 Mr Hogg provided the Committee with a verbal update on the progress being made in respect of the preparation of the Governance statements will be included in the Annual Report.

9.2 The update was noted by the Committee.

10. SPA Committee Assurance Reports 2017/18

10.1 It was agreed that the Audit Committee Chair and Mr MacRae would review the Annual Assurance Reports from all of the Committees in advance of a report regarding these being provided to the Board on 31 May 2018. **ACTION: 180418-PAUDIT-009**

11. General Data Protection Regulation Preparedness

The Committee noted that a dedicated session regarding GDPR would take place following this Audit Committee meeting therefore, the updates on this matter would be brief.

11.1 Scottish Police Authority

11.1.1 Ms Topley presented the paper which provided an update on the progress by the SPA to address the forthcoming measures on Data Protection Reform which was the result of the Data Protection Bill and the General Data Protection Regulations 2016.

11.2 Police Scotland

11.2.1 CS John Paterson presented the paper which provided an update on the progress by Police Scotland to address the forthcoming measures on Data Protection Reform.

12. Improvement Trackers

12.1 SPA Improvement Progress Update

12.1.1 Ms Clark introduced the paper which provided an update on the progress of improvement activity being undertaken within the SPA in response to recommendations from reviews over 2017 and 2018.

12.1.2 Following some discussion of the paper which had been provided, the Committee requested that assurance be provided to the Committee that the work being undertaken in Forensics addressed the concerns which had been highlighted and that this was incorporated into the SPA Tracker in due course. **ACTION: 180418- PAUDIT-010**

12.1.3 The report was noted by the Committee.

12.2 Police Scotland

12.2.1 Ms Adam introduced the paper which provided the Committee with an update on the current status of the audit and improvement recommendations which were made by external bodies.

12.2.2 Following discussion of the paper, the Committee requested that the Police Scotland tracker contained information in relation to recommendations in respect of Health and Safety matters to allow the Audit Committee to provide assurance to the Board in this matter. **ACTION: 180418-PAUDIT-011**

12.2.3 The Committee noted the report.

13. Whistleblowing

13.1 SPA Whistleblowing Progress Report

13.1.1 Mr McLean provided the Committee with a verbal update, and advised that no instances of whistleblowing had been reports since the last meeting of the Audit Committee and that an annual report would be presented in January 2019.

13.1.2 The Committee noted the update which had been provided.

13.2 Police Scotland Whistleblowing Progress Report

13.2.1 ACC Speirs presented the paper which provided the Committee any the annual figures in terms of referrals to the PSD Gateway Unit, in addition to contextual information regarding the action taken in relation to referrals.

13.2.2 Following discussion of the paper and the detail on the actions which had been taken, the Committee requested that Police Scotland provide a breakdown of the "others" category of reporting instances of whistleblowing which was outlined in the report in order to allow for a more meaningful discussion and review of this matter and to ensure that this category was not masking any significant issues. **ACTION: 180418-PAUDIT-012**

13.2.3 The Committee noted the report.

14. SPA and Police Scotland Financial Regulations

14.1 Mr Gray presented the report containing the revised SPA and Police Scotland Financial Regulations, which would be submitted to the Board in due course. The Committee highlighted a number of amendments and revisions which required to be made to the Financial Regulations document and requested that these be implemented prior to the Regulations being presented to the Board on 2 May 2018. **ACTION: 180418-PAUDIT-013**

15. Audit Committee Self-Assessment

15.1 It was noted that this matter would be carried forward to the July Audit Committee Meeting.

16. Committee Workplan

16.1 It was noted that this matter would be carried forward to the July Audit Committee Meeting.

17. AOCB

17.1 There was no other business at this time.

Items 18-21 were taken in private

End.

APPROVED